BOOK NO.
354:42 T643
ACCESSION
273975
SAN FRANCISCO PUBLIC LIBRARY
VITA SINE LITERIS MORS EST
FORM 16-15M-12-27

SAN FRANCISCO PUBLIC LIBRARY
3 1223 01228 6135

SFPL OCT 1 1985

SAN

Care
or loss
cents wi
that this

Form 11—50M-6-2

PUBLICATIONS OF THE UNIVERSITY OF MANCHESTER

HISTORICAL SERIES, No. XLVIII

CHAPTERS IN THE ADMINISTRATIVE HISTORY OF MEDIAEVAL ENGLAND

VOLUME III

Published by the University of Manchester at
THE UNIVERSITY PRESS (H. M. McKechnie, M.A., Secretary)
23 Lime Grove, Oxford Road, MANCHESTER

LONGMANS, GREEN & CO., LTD.
London : 39 Paternoster Row, E.C.4
New York : 55 Fifth Avenue
Toronto : 210 Victoria Street
Bombay : 53 Nicol Road
Calcutta : 6 Old Court House Street
Madras : 167 Mount Road

CHAPTERS IN THE ADMINISTRATIVE HISTORY OF MEDIAEVAL ENGLAND

THE WARDROBE, THE CHAMBER AND THE SMALL SEALS

BY

T. F. TOUT, LITT.D., D.LITT., LL.D., F.B.A.

Honorary Professor of the University

VOLUME III

MANCHESTER

AT THE UNIVERSITY PRESS

LONGMANS, GREEN & CO., LTD.

1928

UNIVERSITY OF MANCHESTER PUBLICATIONS
No. CLXXXIII.

354.42
T643
273975

MADE IN ENGLAND
All rights reserved.

PREFACE

When, in 1920, I published the first two volumes of this book, I was rash enough to express the hope that a final instalment in another two volumes would be issued within a couple of years. After eight years, two more volumes have at last seen the light, but I regret that a fifth volume will still be necessary to complete the undertaking. Without again assuming the rôle of false prophet, I may venture to say that most of the material for that volume is already assembled and that its publication ought not to be postponed more than another year. It will include the later history of the small seals and of the organisation necessary for their employment, and will also give an account of some non-royal households for the study of which sufficient material remains, notably those of queen Philippa, the Black Prince and the dukes of Lancaster. To this will be added various tables of wardrobe receipts and expenses, and lists of the chief officers of the crown to 1399. There will also be a supplementary bibliographical list of abbreviations, and a painfully long list of addenda and corrigenda, especially to the first two volumes. Above all, the final volume will contain a full index to the whole work. I am acutely conscious that it was a literary crime to have issued these four volumes without including such an indispensable necessity for their use. My own difficulty in finding my way about them in their indexless condition makes me very sympathetic with the sufferings of readers who have had, perhaps, less opportunity than the author of familiarising themselves with the contents.

But there are excuses which I would fain hope are adequate. The compilation of an index to each volume would have involved still further delay in their publication. Moreover, mere volume indices would have been of little value, and would have had to be repeated at the end of a book whose arrangement is only partially chronological.

My readers will observe that the plan of the present volumes is not quite the same as that of the first two. More than half of this instalment is taken up with a general survey of the administrative and political history of the reigns of Edward III. and Richard II. I had hoped that, as the administration of the English state assumed its permanent shape, it would be increasingly easy to treat each branch of my subject in isolation and with little reference to the more general aspects of history. But the explorer voyaging over an uncharted sea never knows what coast he may reach or what aspect it may assume. As my work went on, I gradually realised that the differentiation of the organs of household administration from each other was only one aspect of the march of events. There was, at the same time, a growing consciousness of the unity of the administration. I found it impossible to treat adequately the individual units devoted to the household service of the crown, unless I considered them as parts of a coherent administrative unity, a single civil service among which were divided the various functions of the mediaeval state. Up to the death of Edward I., I had limited my study pretty strictly to household administration, dealing only incidentally with chancery and exchequer. When I approached the reign of Edward II., I felt that some general survey of the political and administrative history of the period was necessary. But for the fact that I had already said much of what I wanted to say on the subject in my book on the *Place of the Reign of Edward II. in English History*, Section II. of Chapter VIII. in Volume II. would have been longer than it is. In the volumes now published, I regarded it as essential to include, within my general survey, such an account of the non-household elements

of the administration, the chancery and the exchequer, as was necessary to understand their proper relations to the household offices in which I was more particularly interested. An addition which makes the book a nearer approach to a complete administrative history of the two reigns needs no justification. But it has meant further delay, and it accounts for the fifth volume. I have, however, only treated of the non-household offices in outline, the more so since I hope a more complete examination of the chancery and exchequer of the period will soon be given to the world by two of my pupils, Dr. Wilkinson and Dr. Broome. I am indebted to them for being able to express in summary form some of the chief results of their investigations.

I have apologised for delay, yet the delay would have been more serious but for two circumstances in my favour. My release from academic labours, in the summer of 1925, has enabled me to devote the whole of my time to the prosecution of my research. Since January 1924, I have had the advantage of the active co-operation of Dr. Dorothy M. Broome, who, with great unselfishness, has set aside all other occupations, including the working up for publication of her own important studies of the Edwardian exchequer, in order to devote herself, exclusively and whole-heartedly, to helping her old teacher to complete his task. I cannot adequately express the obligations which I owe Miss Broome for her zealous and intelligent co-operation. At every stage, from the collection of material at the Public Record Office, to its arrangement and classification, to the composition and revision of the manuscript and to the correction of the proofs, her scholarship, her judgment, her real gift for investigation, have been entirely at my disposal. There is not a page of the book in which her hand cannot be seen, and some parts are more her work than mine. Among these I may specially mention much that concerns the exchequer. Not less important are her contributions to the history of the chamber, and, in particular, to the unravelling of its complicated story between 1355 and 1399. The study of the Walton ordinances is largely her work,

and she is entirely responsible for their text. In the volume still to come her hand will, I hope, be equally conspicuous.

There are many other scholars whom I should wish to thank for their help, not least those who have carried through investigations directly or indirectly bearing on my theme. Among them I am proud to include many of my own pupils. If I do not mention here the names of those to whom I am chiefly indebted, it is partly because they are so many, and partly because I have expressed my obligations to them in the places of the text where I have used their work. Last but not least, I have to thank Mr. H. M. McKechnie, the secretary of the Manchester University Press, for the help and support he has given me at all stages of the undertaking, and especially in seeing the book through the press.

T. F. TOUT.

HAMPSTEAD, 1*st February* 1928.

CONTENTS OF VOLUME III

PAGES

PREFACE . . . . . v-viii

CHAPTER IX

ADMINISTRATION AND POLITICS UNDER EDWARD III., 1327–1377 1-321

SECTION I. THE GOVERNMENT OF ISABELLA AND MORTIMER, 1326–1330 1-30

The first stage of the revolution of 1326, 1-2. The regency of Edward of Windsor, 2. The second stage of the revolution, 2-3. Edward III. proclaimed king, 3. The coalition of all parties against Edward II., 3-4. Baldock and Holden alone faithful to him, 4-5. Few changes in administrative staff, 5-10. Continuity in chancery, 5-6, wardrobe, the benches, privy seal and exchequer, 6-7. Parliament of January 1327, 7-8. Review of officers, 8-9. Significance of official continuity, 9-10. Position of the Lancastrians, 10-11. Despenser's experiments abandoned, 11-12. Other evidence of reactionary policy, 12. Constitutional attitude of new government, 12-13. Victors' spoils official rather than material, 13. Death of Edward II., 13-14. Breakdown of coalition foreshadowed, 14. Differences between Lancastrians and Mortimer, 14-16. Mortimer's set-back, 16. Henry Burghersh as treasurer and chancellor, 16-17. Exchequer reforms, 17-18. Mortimer's influence over household, 18-19. Efficiency of permanent officials, especially in the exchequer, 19-20. Isabella's control of former chamber lands, 20-21. The earldom of the March, 21-22. Grievances of Henry of Lancaster, 22-23. His revolt suppressed, 23-24. Edward III.'s discontent with his position, 24. His confidants, Richard Bury, 25-27, and William Montague, 27. Embassy to John XXII. and its results, 27-28. Fall of Mortimer, 29-30. Comparison between 1326 and 1330, 30.

PAGES

Section II. The First Eight Years of Edward III.'s Personal Rule, 1330–1338 31-68

Sympathy between Edward III. and the baronage, 31-32. John le Bel's contrast between Edward and Philip VI., especially in their attitude to their nobles, 32-33. Edward's treatment of his mother, 33-34. His leniency to Mortimer's accomplices, 34-35. Ministerial changes in 1330, 35-36. The Lancastrians in power, 36-37. Parliament of 1337 and the six new earldoms, 37-39. New hereditary offices and jurisdictions, 39-40. Balancing of parties in office, 40. Power of the Stratfords, 40-42. The chancellors and chancery clerks, 42-43. Contrast of stability in chancery and changes in exchequer, 43. The treasurers, 43-45. Deputy treasurers, 45-46. Continuity among lower exchequer officials, 46-47. Exchequer reforms, 47-51. Arrears of audit caught up, 47-48. Standardisation of subsidies, 48. Local exchequers, 48-49. Experiments with the escheators, 49-50, and the Staple, 50-51. Local administration and justices of the peace, 51-52. Household administration, 52-55. The chamber and the wardrobes, 52-54. Office of the privy seal, 54-55. Relations between offices of household and offices of state, 55-56. Effects of the Scottish and French wars on administration, 56-57. York the administrative capital, 1332–1338, 57. The chancery at York, 57-58. Removal of exchequer and common bench to York, 58-59. Accommodation at York for the government offices, 59-60. Parliaments 1330–1338, 60-61. Westminster not yet the normal place for parliaments, 61-62. Impoverishment of Westminster through removal of administration, 63-64. The French war and the return to Westminster, 64-65. Financial troubles resulting from war, 65-66. Preparations for war and division of the administration, 66-68. The king's departure for the Continent, 68.

Section III. Administrative and Constitutional Crises, 1338–1343 69-150

The Walton ordinances of 1338, 69-79. Privy seal warrants made compulsory on chancery and exchequer, 69-71. Enrolment of warrants, 70. Special auditing committee, 70-71. Provisions during the king's absence, 71. Election of sheriffs and local officers, 71-72. Restrictions on chancery and exchequer, 72-73, but ultimate supremacy of exchequer secured, 73-74. Position of household, 74. How far did the ordinances introduce novelties ? 74-75. The chamber, the audit committee and the unity of control, 76-77. The ordinances as the embodiment of the curialist ideal, 77-78. How far were the ordinances operative ? 78-79. Edward's opportunistic motives, 79-80. Administrative changes at the time of Edward's departure, 80. Concentration of the administra-

tion in the south, and the separation between the home and foreign branches of it, 80-81. Changes in chancery, 81-82, and in exchequer, 82-83. The regency in England, 83-84. Share of Kilsby in the policy of the ordinances, 84. The administration with the king abroad, 84-90. Kilsby as keeper of great and privy seals, 84-85. Chancery and privy seal clerks with him, 85-87. The officers of chamber and wardrobe beyond seas, 87. The lay advisers with the king, 88. The king's confidants, 88-90. The court party in control in the Netherlands, 90. The administration in England, 90-97. Its difficulties, 91-92. The Council of Northampton, 92-93. Attempts at local elections, 93-94. Their failure, 94-96. Efforts to keep the two administrations in touch with each other, 96-97. Friction between them, 97-98. Failure of attempt to control England from abroad and Edward forced to change his policy, 98-99. Preparations for the campaign thus facilitated, 99-100. The inner council of four superseded by Stratford as chief councillor, 100-101. His commanding position, 102-103. His mission to England to raise money, 103. Reluctance of parliament to grant supplies, 103-104. Edward's dependence on the financiers, 104. His failure abroad and return home, 104-105. The parliament of March 1340, 105. The grant of the ninth on condition of the acceptance of the four statutes, 105-107. Ministerial changes, 107-108. The collection of the ninth: Edington and Ellerker as its receivers, 108-110. Edward's return to the Netherlands without supplies, 110. Stratford's resignation, 110-111. The breach patched up, 111. The Stratfords back in power at home, 111-112. The parliament of July 1340, and the grant of wool, 113-114. The administration in Flanders; its dependence on the home government, 115. Personal quarrels, 115-116. Rivalry of Zouch and Kilsby for the archbishopric of York, 116-118. Breach between the great ministers and the court, 118-119. Edward's sudden return to England, 119-120; attended by his *secretarii*, 120-121. Clean sweep of the administration, 121-122. Flight of Molyns, 123. Resistance of archbishop Stratford, 123-124. The new ministers, 124-126. The strife between Kilsby and Stratford, 126-127. Stratford's political theory, 127. The king's lack of wise counsel, 127. The *libellus famosus*, 128. Commissions to try the incriminated ministers, and examine the abuses of the administration, 129-130. These inquiries not pushed far, 130-131. Easter parliament of 1341, 131-134. Stratford and other bishops refused admittance, 131. The magnates and commons support Stratford and compel the king to restore him, 131-132. Edward accepts most of the parliamentary petitions, 132-133. Limits of king's concessions, 133-134. Comparison between 1311

PAGES

and 1341, 134-135. The unity of the administration emphasised, 135. Practical acceptance of the baronial doctrine of peerage, 136-137. What " peers " meant in 1341, 137-138. An hereditary peerage a baronial not a royalist theory, 138-139. Insincerity of Edward's submission, 139-140. He cancels the " pretended statutes," 140. General acquiescence in his action, 140. Neither king nor baronage wholly victorious, 141. The balance between them still maintained, 141. Resultant unity of administration, 141-142.

APPENDIX TO SECTION III

The Walton Ordinances of 1338, 143-150. Introduction, 143-144. Text, 144-150.

Section IV. War and Financial Embarrassment, 1341–1360 151-230

General tendencies, 1341-1345, 151. The lay chancellors, Bourchier, Parving and Sadington, 151-153. Their activity in official work, 153-154. The new judicial seals, 154-156. Difficulties of the lay chancellors, 156-157. Growth of the office and importance of the chancery clerks, 157-159. The younger generation of chancery clerks, 159-160. Offord begins a new series of clerical chancellors, 160-161. Anti-clericalism in the exchequer, 161. Clerical treasurers again, 161. Last stages of Kilsby's career, 161-163. General return to normal conditions, 163. Renewal of active warfare, 163-164. Division of the ministry, notably in 1346–1347, 164-167. The ministry at home, 167-168. The ministers abroad with the king, 169-170. Agreement between the two ministries, 170-172. Consequent success of military operations, 172-173. Failure of efforts for peace, 173-174. Administrative developments, 174-175. The chamber, the privy seal and the exchequer, 174-177. Restriction of the household offices, 177-178. The wardrobes, 178-179. Growth of privy wardrobe, 179-180. Increasing tendency towards settlement of administration at Westminster, 180. Growth of legal definition, 180-182. The establishment of the distinction between statute and ordinance, 182-183. Improvements in local administration, 183. Justices of the Peace and of Labourers, 183-185. The Ordinance of the Staple of 1353, 185-186. Fluctuations of the Staple system, 186-187. Cessation of political conflict and dependence of crown on the magnates, 188-189. Royal concessions to the aristocracy, 189-190. Narrowing of the circle of the higher nobles, 190. The Lancashire palatinate, 191-192. The appanage of the Black Prince, 193-194. The household of Henry of Lancaster, 194-195. The administration of Edward prince of Wales,

PAGES

195-197. The interchange of staff between the royal and the magnate households, 197. Centralisation of the duke's and prince's households at Westminster, 197-198. Lesser baronial households, 199-200. Simultaneous centrifugal and centripetal movements, 199-200. Further illustrations from abroad: French monarchy, and papal court at Avignon, 200-201. New conditions in England, 201. Breaking down of the line between ministers of the state and ministers of the court, 201-202. Ministerial history continued, 202. Edington as the typical minister of the period, 202-204. His reforms at the exchequer, 204. Currency and chamber reform, 204-205. Edington's successors, 205-206. The chancery in Thoresby's time: close relations of Edington and Thoresby, 206-207. They unite to oppose the king's attacks on ecclesiastical privilege, 207-208. The subordinate officers of the exchequer, 208-209. The chancery still reserved for clerks, 209. The beginnings of clerical marriage, 209. John Tamworth and Geoffrey Martin, clerks of the crown, 209-210. Disintegration of the household of the chancery, 210-211. The three grades of chancery clerks, 211-212. The "suburb of London" as the abode of lawyers, 212. Relations of chancery clerks and the apprentices of the law, 212-213. Beginnings of law schools, 213. The office of the rolls of chancery and the keeper of the rolls, 213-214. The *domus conversorum* becomes the *hospicium* of the rolls, 214-215. Nepotism in the chancery, 215. Illustrated by the Thoresbys, Ravensers, and Walthams, 215-217. Chancery clerks borrowed by magnates, 217. The staff of the household offices, 217-218. Increasing mediocrity of the wardrobe clerks—dissociation of the office of the privy seal from the household, 219. Its increasing importance, 219. Accessibility of high posts in church to royal officials, 219-220. Popes begin to raise difficulties to their promotion, 220-221. Unimportance of parliamentary and importance of diplomatic history in these years, 221. Failure of the two treaties of London, 221. Renewal of military operations in 1359, 221. Arrangements for dividing the administration, 222. The ministry of the regent in England, 223-224. The administration with the king in France, 224-225. Winwick as "chancellor" beyond seas, 225-226. His diplomacy, 226-227. The treaty of Brétigni, 227-228. The treaty of Calais, 228-230. The "definitive peace," 230.

SECTION. V. PEACE, RETRENCHMENT AND REFORM, 1360–1371 231-265

A period of internal repose, 231. Edington's chancellorship, 231-232. Langham, Barnet and Wykeham in office, 233. Stability of officials, notably in the household offices, 233-235. Wykeham the typical minister of the period, 235. His

PAGES

organisation of building operations, 236-237. His membership of the "inner household," 237. His pluralism, 238. His position as keeper of the privy seal, 238-239. Financial troubles, 239. Attempts to balance income and expenditure and draw up estimates, 240-243. Reliance on the "ransoms" to balance income with expenditure, 243-245. Irregularities in the exchequer, 245. Diversion of king John's ransom to other purposes, 245-246. Barnet's investigations, 246-248. Trouble between the chamberlains of the exchequer and the treasurer's clerk, 248-249. Investigation by the Council, 249-250. The chamberlains driven from office, 250-251. Necessity to appeal to parliament for money, 251-252. Provision for the king's children, 252-253. Relations between the king's administration and those of his family and magnates, 253-254. Difficulty in obtaining provisions to bishoprics for the king's ministers, 254-256. Parliamentary opposition, 256-257. Official scandals, 257-258. Judicial scandals, 259. Wykeham as chancellor, 259-260. Brantingham as treasurer, 261-262. Parliament of 1369 and renewal of the French war, 262-263. Military disasters and the return of the Black Prince, 263. The significance of the years 1360–1371, 263-264. Who were the reformers ? 264-265.

Section VI. The Last Years of Edward III., 1371–1377 266-321

The parliament of 1371, 266-268. The Great Council, or Parliament, of Winchester, 268-270. Significance of the debates, 270. Was the war party anti-clerical ? 271. Significance of the ministerial changes, 272. Lay ministers replace clerks, 273. Comparison of the crises of 1341 and 1371, 274-275. Pembroke and the Scropes, 276-277. Continuance of lay chancellors and treasurers, 277-278. The new household officers, Ypres and Carew, 279. Efficiency of lay ministers, 280. No clear issue between clerks and laymen, 281. The lawyer as the alternative to the clerk, 281-282. Parliament of 1372 attacks lawyers, 282. Failures in France, 283. Parliament of 1373, 284-286. Decline in king's health and change in his habits, 286-287. John of Gaunt increasingly important but generally abroad, 287-288. Growth of new court party, 288. Latimer and Lyons, 288-289. Administrative scandals and hard times, 290. The Good Parliament, 290-307. Its constitution, 291-292. Its debates, 292-293. Debates of the commons, 293-294. Constitution of advisory committee of magnates, 294-296. Programme of reform, 297. Impeachment of Latimer and Lyons, 297-298. Permanent council constituted, 298-300. Condemnation of the courtiers, 300-302. Death of the Black Prince, 302-303. Petitions of Good Parliament, 303-304. Triumph of Peter de la Mare, 304-305. Importance of the

PAGES

Good Parliament, 305-307. Change in position of John of Gaunt, 307-308. Desperate illness of king, 308. The October great council and the reversal of the acts of the Good Parliament, 309-310. Impeachment of William of Wykeham, 310-312. Alliance of Lancaster and the princess of Wales, 312-313. Changes in the ministry, 313-314. Parliament of 1377, 314-318. The commons support Lancaster, but the magnates less complaisant, 315-317. Petitions of the commons, 316-318. John of Gaunt and Wycliffe, 318-319. Quarrel of John and the Londoners, 319-320. Humiliation of Lancaster, 320. Death of Edward III., 321.

CHAPTER X

ADMINISTRATION AND POLITICS UNDER RICHARD II., 1377–1399 323-495

SECTION I. THE MINORITY AND THE PEASANTS' REVOLT, 1377–1382 323-384

Few changes at Richard's accession, 323-324. Position of Lancaster, 324. His reconciliation with Wykeham and the Londoners, 324-325. New earls at coronation, 325. The standing Council of Twelve, 326-328. The new ministers, 329-330. Important posts given to old servants of Black Prince, 330-332. Parliament of October 1377, 332-338. New Resident Council of Nine, 333-335. Petitions of Sir Peter de la Mare and the commons, 335-336. Great Councils and their importance, 336-338. Break down of the Continual Council, 338-339. The sacrilege at Westminster, 339-340. Parliament at Gloucester, 1378, 340-342. Clerical opposition, 341. Nomination of ministers and new continual council demanded, 342. New council filled up, 342-343. Comparison of the three councils, 1377–1379, 344-345. Work of the councils, 345-346. Parliament of 1379, 347-350. The Poll Tax of 1379, 348-349. Parliament of January 1380, 350-354. The parliamentary commission of enquiry, 351-352. Changes in the ministry, 352-354. Its failure, 354. Parliament of Northampton, 354-356. The Poll Tax of 1380–1381, 355. Harmony between parliament and administration, 355-356. Ministerial changes, 1380–1381, 356-358. Assessment and collection of the new Poll Tax, 359-360. Machinery of collection, 360-362. The inspectoral commissions, 362-364. Causes of the Great Revolt, 365-366. Risings in Essex and Kent, 366-369. The rebels in London, 369-373. Richard at Mile End and Smithfield, 371-372.

PAGES

Failure of London rising, 372-373. The trouble in the Eastern Counties, 373-376. Punishment of the rebels, 375-377. The Council of Reading; appointment of new ministers, 377-378. Return of Lancaster to politics, 378-379. Parliament of November 1381, 379-384. Scrope as chancellor, 380. The committee of reform, 380-382. The king's marriage, 382-383. Second session of parliament, 383. Its futile policy, 383-384.

SECTION II. THE COURT PARTY AND THE LORDS APPELLANT, 1382–1389 385-453

Slight effect of Peasants' Revolt on administration, 385. Parliamentary history, 1381–1386, 385-398. Instability of parliament, 386-387. Proposals for conduct of French war, 387. Parliaments of May and October 1382, 387-388. Chancellor Braybrook's proposals, 388. Parliament of January 1383, 389. Adoption of bishop Despenser's crusading proffer, 389-390. Its failure, 390. Salisbury parliament of 1384, 391-393. The murder of John Latimer, 392-393. Fruitlessness of autumn parliament of 1384, 393-394. Strife of Lancaster and the courtiers; failure of Scots campaign of 1385, 394-395. Death of princess of Wales, 395. John of Gaunt's Spanish schemes, 395-397. New titles conferred in parliament, 396-397. John of Gaunt in Spain, 397-398. Ministerial history, 1381–1386, 398-402. Michael de la Pole as chancellor, 402-404. The king's friends: Burley and the chamber knights, 404-405. Robert Vere, earl of Oxford, 406-407. Organisation of the court party, 407-408. Vere's position in Ireland, 408. The aristocratic opposition, 408-409. Thomas of Woodstock and the Arundels, 409-410. The parliament of 1386, 411-418. Impeachment of Suffolk, 413-414. The parliamentary commission of 1386, 414-417. New appointments and dismissals, 417-418. Richard's withdrawal from London to avoid the commission, 418. His wanderings in 1387, 418-420. He organises opposition to the commission, 420-422. Councils of Shrewsbury and Nottingham, 422-423. The judges declare the commission illegal, 423-424. War between Richard and the commission, 424-426. Richard's return to London; flight of the courtiers and battle of Radcot Bridge, 426-427. Surrender of Richard and dismissal of his ministers, 427-429. The new ministers, 429-430. The Merciless Parliament and the Lords Appellant, 430-438. Parliament claims supremacy, 431-432. Parallel growth of constitutional and monarchical theory, 432-433. The victims of the appellants, 433-434. Disputes as to the fate of Simon Burley, 434-435. The punishment of the condemned prelates, 436-437. Grants of parliament to appellants, 437. Richard renews his coronation oath, 437-438. The

PAGES

rule of the appellants, 439-440. The Cambridge parliament of 1388 and its legislation, 440-441. Reforms brought about by the appellants, 441-443. The chancery ordinances of 12 Richard II., 443-446. The household of the chancery, 446-447. Influence of chancery clerks on parliament, 447-449. Continuity of the public services, 449-450—illustrated from the chancery, 450, the two benches, and the exchequer, 450-452. Quiet times, 452-453.

SECTION III. THE PERIOD OF COMPROMISE, 1389–1395 . 454-495

Richard changes the ministry and claims to exercise power himself, 454-455. The new ministers and judges, 455-456. The change greater in appearance than reality, 456-457. Gradual return of the favourites to power, 457-458. Little rancour shown by king to the appellants, 458. Return of John of Gaunt to England, 458-459. Little real change in policy, 459. Resignation of ministers in parliament of 1390 and their restoration to office, 460-461. Resignation of Wykeham and Gilbert, 461. John Waltham, 461-462. Edmund Stafford, 462-463. Other ministerial changes, 463-464. John of Gaunt, duke of Guienne, 464. Ordinances for the council, 464-466. Administration by the council, 467-469. The council's resistance to the crown, 469-470. The two types of council, 470-471. The Great Council, 471-473. The standing council, 473. Growth of government by council, 473. Parliaments between 1388 and 1395 become shorter and less frequent, 473-474. The increasing importance of parliamentary legislation, 475-476. Ecclesiastical and economic legislation, 476-477. Fluctuations of the Staple, 477-479. Richard's quarrel with London in 1392, 479-480. Administration transferred to York, 480, restored to London, 481. Reconciliation of king and Londoners, 481-482. Disturbed condition of the country, 482-483. Troubles in the north, 483-484. Attitude of Lancaster, Arundel and Gloucester, 484-485. Quarrel of Richard and Arundel at queen's funeral, 486. Richard's first Irish expedition, 486-495. His journey to Haverfordwest, 487. Thence to Ireland, 488. His doings in Ireland, 488-490. The ministers with him, 490-492. The government of England by the regent York, 492-494. The custody of the great seal, 492-493. The parliament held by the regent, 494. Richard's return, 494-495.

LIST OF LONGER NOTES IN VOLUME III

	PAGES
The location of the chancery	57-58, n. 2.
Parliaments at Westminster and elsewhere	61, n. 2.
The " High Court of Parliament "	62-63, n. 3.
Appointment of ministers in parliament	133-134, n. 4.
The meaning of " peer "	138-139, n. 2.
The families of Thoresby, Waltham and Ravenser	215-216, n. 4.
Date of Wykeham's appointment to privy seal	238, n. 3.
Exchange rates of English and foreign moneys, 1360–1370	243-244, n. 3.
" Parliament " and " Council "	268, n. 4.
Sources for history of Good Parliament, 1376	290-291, n. 4.
Attendance of borough and city members at parliaments	291-293, n. 1.
Bannerets in parliament and council	296, n. 1.
	346-347, n. 2.
Great Councils of 1377–1382	336-338, n. 5.
The " Continual Councils " of 1377, 1378 and 1379 compared	343-344, n. 2.
John Latimer's story of a conspiracy against Richard II.	392-393, n. 1.
Receivers and supervisors of war tax of 1386	396, n. 2.
Richard II.'s itinerary, February-November, 1387	419-420, n. 3.
Sources for history of Merciless Parliament, 1388	430-431, n. 5.
Councils in 1392	471-472, n. 2.
Richard II.'s itinerary on his way to Ireland, 1394	487, n. 1.

DOCUMENTS PUBLISHED IN VOLUME III

The Walton Ordinances, July 12, 1338	144-150.
Memorandum concerning the great seal, September-October, 1394	492-493, n. 2.

CHAPTER IX

ADMINISTRATION AND POLITICS UNDER EDWARD III.
1327–1377

SECTION I

The Government of Isabella and Mortimer, 1326–1330[1]

The little band of refugees and mercenaries, which landed on September 24, 1326, on the Suffolk coast, soon received such general support that it proved able to overturn the existing government and put a new administration into its place. On October 2 Edward II., accompanied only by a few faithful followers, left Westminster. Within a fortnight he had taken refuge in the March of Wales, where he strove to maintain himself in the younger Despenser's lordship of Glamorgan. The last attempt at resistance in England was made by the elder Despenser at Bristol, but he paid with his life for his futile effort.

Each stage in the revolution which put Edward III. on his father's throne, was conducted with scrupulous regard for legal forms. After the fall of Bristol, the assembled magnates held a sort of "parliament" within its walls. On October 28 this meeting declared that the king's withdrawal had left the realm without rule. Accordingly it invited the young duke of Aquitaine to assume the government as keeper. By that title, Edward of Windsor conducted the daily business from October 26 to November 20, issuing writs in his father's name, witnessing and warranting them himself alone, or in conjunction with his mother.[2]

[1] In revising this section I must acknowledge my obligations to the M.A. thesis of my former pupil, Mr. S. T. Gibson, on "The Minority of Edward III."

[2] The formula was "teste Edwardo, filio nostro primogenito, custode regni," and the writs were issued "per ipsum custodem et reginam." See for instance the last writs issued in this form, dated Hereford, Nov. 20, in *M.R.K.R.* 103/23. The chroniclers noted this procedure. See for instance *Chron. de Melsa*, ii. 353: "Interim nullum breve missum fuit nisi nomine reginae et Edwardi filii sui."

Nothing more valid was possible since the chancellor had accompanied the king on his flight, and had taken the great seal with him. The regent's writs had therefore to be sealed by his privy seal as earl of Chester and duke of Aquitaine, "because he had no other seal at that time."[1] The custody of this was in the hands of Robert Wyvill, queen Isabella's favourite clerk, transferred, apparently for this purpose, from her service to that of her son.[2]

In opposition to the mandates of the usurpers, more formal writs were issued by Edward II.'s chancellor, at least up to November 10.[3] Official sense of continuity caused both the writs of the king and those of the keeper to be duly enrolled on the appropriate roll of chancery. This double government came to an end on November 16, when Edward was captured at Llantrisant, and with him the chancellor and the seal. About November 20, Edward II. surrendered the seal to the new government at Monmouth.

From this act the second stage of the revolution began. The compulsory return of the king to England destroyed the legal pretext that the young duke had taken up the regency by reason of his father's absence. That being so, the regency was regarded as at an end, and from this date the government was carried on under writs of great seal which were supposed to be attested by the captive king.[4] Thus the gross pretence was made that

[1] *Foedera*, ii. 646; *C.P.R., 1327–30*, p. 241; "eo quod alium sigillum pro dicto regimine extunc non habuit." [2] See above, ii. 309-310.

[3] A rough itinerary of the chancery, and probably of Edward II., can perhaps be traced from the places where chancery writs were issued during the flight westwards. The places and dates were as follows: Tower of London, up to Oct. 1; Westminster on Oct. 2; Sheen, Oct. 3; Acton, Oct. 3-4; Wallingford, Oct. 6-7; Faringdon, Oct. 6; Gloucester, Oct. 10-12; Westbury on Severn, Oct. 6-13; Tintern, Oct. 14-16; Chepstow, Oct. 15-21; Cardiff, Oct. 26-28; Caerphilly, Oct. 29–Nov. 2; Margam, Nov. 3-4; Neath Nov. 5-10. Such chancery rolls as had followed the court had been taken to Swansea, where they were captured and handed over, on Nov. 22, to Henry Cliff, their keeper, at Hereford. They filled four bags; *C.F.R.* iii. 422. The issuing of writs on Oct. 6 at Wallingford and at Faringdon, 22 miles from each other, shows that there were, as was not unusual, two sets of clerks issuing writs at different places on the same day. Chepstow and Tintern are so close together that the simultaneous issue of writs from these places needs no explanation. All these dates come from the relevant calendars of patent, close and fine rolls. See also later n. 1, page 3.

[4] The official view was that no charters, letters patent or close, were sealed in chancery between Oct. 28, the day when the chancellor was proclaimed

Edward personally resumed the government and himself issued the writs which consummated his ruin. Bishop Airmyn of Norwich became temporary keeper of the great seal on November 30, and round him rallied the old staff of chancery clerks.[1] When the nominal co-operation of the captive king involved delay, a shorter cut to business was found in direct mandates in the names of Isabella and the king's first-born.[2]

On January 24, 1327, the proclamation of the duke as king followed naturally from the proceedings of the Westminster parliament and the virtual abdication of his father at Kenilworth. The new king's reign was reckoned as beginning on the next day, January 25. It was easier in mediaeval England to win a crown than to keep it, and the normal difficulties of a new ruler were heightened by the special troubles with which Edward III. was beset.

The deposition of Edward's father, and his own easy establishment as king, had been effected by means of a combination against Edward II. of all the great interests. In this coalition we must distinguish various elements. There was the personal following of Isabella and Mortimer, which included not only Mortimer's own kinsfolk and dependents, but the remnants of the "middle party" of 1318, and a large proportion of the marcher barons, who looked upon Mortimer as their saviour

---

forfeit, and Dec. 2, 1326; *C.C.R., 1333–37*, p. 62. Yet five years later the exchequer distrained the keeper of the hanaper, Thomas Sibthorp, to account for the issues of the seal during that period. The new government dismissed this outrageous claim on June 26, 1333.

[1] *Foedera*, ii. 646, gives in full the close roll entry as to the position of the seal between Nov. 20 and the formal end of the reign. The seal was surrendered on or immediately after Nov. 20. On Nov. 26 William le Blunt took it to Isabella and young Edward at Martley, a few miles N.W. of Worcester. On Nov. 30 Bishop Airmyn was made keeper at Cirencester, and elaborate precautions were taken for the safe keeping of the seal while Airmyn travelled to Woodstock. On Dec. 17 Henry Cliff joined him, apparently at Woodstock, and the chancery must soon have gone to Westminster, where it was on Jan. 14, 1327; *C.C.R., 1323–27*, p. 656. The dating of writs during this period is curious. Though no writs, according to the close roll, were sealed till Nov. 30, we have writs dated Nov. 10 (? a slip for Nov. 30) at Cirencester; Nov. 29, Gloucester; Nov. 28, Dec. 4, Westbury; and Dec. 3-4, Ledbury. But from Dec. 5 onwards all chancery writs are dated at Kenilworth, though we know the chancellor was at Woodstock and Westminster. The place was in fact as much a matter of form as was the "teste me ipso" of Edward of Carnarvon. To the formal royal witness was now added, "per ipsam reginam et filium regis primogenitum."

[2] Some such writs are enrolled in *M.R.K.R.* 103/27.

from the Despensers and the Fitzalans. It is difficult to believe that Isabella had many supporters, and the small troop of mercenaries from Hainault, under the uncle of the new ruler's betrothed wife, Philippa of Hainault, was nothing but an embarrassment to the winning side. Such forces were not in themselves strong enough to secure victory. The rapid decision in favour of the invaders was brought about by two more important factors. The first was the wholesale desertion of Edward II. by every section of the official class, the household, the local administration, the chancery and the exchequer. This general defection was made the more effective by the second of the two factors, the singular unanimity with which the baronage threw over the cause of Edward II. There was indeed even more unanimity among politicians in 1326–27, than there had been in 1312, 1318, or 1321–22. The oppressed "contrariants" made common cause with the enemies of their old persecutors. The baronial opposition, headed by Henry of Lancaster, at once welcomed the revolutionaries. Even the king's brothers, Thomas of Norfolk and Edmund of Kent, threw in their lot with them. The mass of the episcopate followed in their wake. No king could oppose a united baronage. Still less could successful resistance be made to a coalition in which that baronage was at one with such representative townsfolk as the Londoners and the barons of the Cinque Ports, the majority of the officials, a large proportion of the courtiers, and the royal family.

The action of the barons explains itself. It was simply the rebound against the depression to which they had been subjected since 1322. The attitude of the episcopate was partly determined by the same motives, and partly by the desperate self-seeking of many of the leading prelates. But the desertion of the king by his own officers was the fatal and unexpected blow. When Edward fled westwards, few of his ministers, high or low, went with him. The only officials of any importance who clave to him were Robert Baldock, the chancellor, and Robert Holden, the controller of both the wardrobe and the chamber. As long as the king showed fight, the only salvation from administrative anarchy had been to allow all who were willing to serve new masters to remain at their posts. The acceptance of the revolution by the official class simplified the

task of the new government. All that was immediately necessary was the filling up of one or two gaps. A curiously small number of ministerial changes heralded the reign of Edward III., and a rule beginning with a revolution was conducted by almost the same officials as had administered the fallen tyranny.

We have already seen that William Airmyn had been given the custody of the great seal.[1] Few chancery clerks followed Baldock's lead, and any who did soon made their peace with the new government. Thus we find Henry Cliff, keeper of the rolls of chancery and virtual head of the office, already established in lodgings at the queen's headquarters in Hereford by November 22.[2] Cliff was soon high in the confidence of Isabella, and retained the rolls until his death in 1333.[3] His example was generally followed by his subordinates. Men like William Harleston, Michael Wath, Thomas Bamburgh, and Adam Brome [4] remained at their old posts until death or retirement. Even with the wardrobe it was the same, for although Holden

[1] So late as January 1327, the great seal of the new king was still regarded as, by the king's orders, in the custody of queen Isabella; Thomas, *Cal. Plea and Mem. Rolls, Lond., 1323–64*, p. 17.

[2] See *Foedera*, ii. 646, *C.P.R., 1324–27*, p. 337. Had he come from London, or was he a deserter from the March of Wales? The former seems more likely despite his earlier record, and despite the fact that William Cliff, his kinsman, had to receive pardon and restoration to favour on Mar. 3, 1327, as suspected of adherence to the Despensers and Baldock. Edmund, earl of Kent, testified to his innocence; *C.P.R., 1327–30*, p. 25. William Cliff had been Despenser's clerk before entering the royal service; *Place of Edward II.*, pp. 136-137. He died before Oct. 20, 1328, when Richard Bury succeeded him as prebendary of Hastings; *C.P.R., 1327–30*, p. 324. Their name suggests their origin was from Despenser's manor of Cliff in the parish of Hemingburgh, near Selby, Yorks., which came into the king's hands by the rebellion of Hugh Despenser the younger, whereon it was re-granted to the Lancastrian, John Ros, on Mar. 30, 1327; *C.P.R., 1327–30*, p. 105.

[3] For instance Cliff was Isabella's go-between when Robert of Mold surrendered his estates to Cliff, conditionally on a re-grant to himself and his heirs male, with reversion to queen Isabella; *C.P.R., 1327-30*, p. 96. He died before Jan. 20, 1334, when his successor, Michael Wath, was appointed, and Cliff's executors were ordered to deliver the chancery records to him; *C.C.R., 1333–37*, p. 295.

[4] Adam Brome was "at the king's command always attendant at the chancery"; *C.P.R., 1327–30*, p. 1; though he was now "of the house of St. Mary, Oxford," his own foundation of Oriel. *Ib.* p. 1, *cf.* p. 61, which suggests residence at Oxford, and p. 448, which shows he was still "staying continually in the king's service" in 1329. He was dead before June 26, 1332; *ib. 1330–34*, p. 311.

was faithful to the last and permanently deprived of his office,[1] his chief, Robert Wodehouse, accepted the new situation. As early as December 2 we find Wodehouse working in the west as keeper of the "wardrobe of the queen and of the king's eldest son,"[2] with the help of a new controller chosen from duke Edward's household. Wodehouse was then made keeper of the new king's wardrobe, a post which he held until August 1328. The only new men in the wardrobe were those who had been conspicuous in the service of Edward when he was earl and duke. Naturally enough there was a certain infusion of men who had served Edward of Windsor before his accession. The most important of these were Nicholas Huggate, the controller after November 1, 1326, and Richard Bury, of whom we shall soon have much more to say. It was the same with the two benches, though the chief justice of the common bench, Hervey Staunton, was not re-appointed, apparently because he was averse to the revolution. But he was already moribund, and easily obtained the pardon which enabled him to devote the last months of his life to his Cambridge foundation of Michaelhouse.[3] If the privy seal was taken with the king to Wales, and on his surrender put into the hands of Isabella's clerk, Robert Wyvill,[4] its former keeper, Robert Harleston, was retained in the service of the new ruler, for he was transferred at once to his old clerkship in the chancery. The history of the exchequer demands special attention, because it brings out most clearly the continuity of the government service.

The Michaelmas session of the exchequer had just begun when Edward II. fled from London. One of the last orders issued by him before he left his capital, was an instruction to the treasurer to pay the troops, who, he still hoped, would flock

[1] Nevertheless he was pardoned on April 22, 1327, at the request of the earl of Lancaster; *C.P.R., 1327–30*, p. 97. At the same date his lands and goods were restored; *C.C.R., 1327–30*, p. 125.

[2] He was already acting on Dec. 2 at Ledbury; *C.P.R., 1324–27*, p. 338.

[3] Michaelhouse was founded in 1324. Staunton died on Nov. 2, 1327. There is a good account of his career and foundation in A. E. Stamp's *Michaelhouse*, privately printed in 1924 to commemorate the 600th anniversary of its foundation. Staunton's hostility to the revolution is shown by the fact that Isabella seized his treasure at Bury soon after her arrival; *Ann. Paul.*, p. 314. His first "protection" was on Jan. 30, 1327; *C.P.R., 1327–30*, p. 1.

[4] See above, ii. 309-310, and iii. 2.

to his banner.[1] The treasurer, archbishop Melton, had made obedience to the master whom he had served from his early youth, the habit of a lifetime. But, notwithstanding the new session, Melton was away in his diocese, so that he had no opportunity of impressing his personal loyalty upon the staff of his office. Thus abandoned by king and treasurer, Sir Walter Norwich, the chief baron, and his colleagues took things into their own hands. Amidst the disturbances in London, which attended the revolution, they continued the Michaelmas session as if nothing untoward had happened. Inevitably this session was sparsely attended. Not many sheriffs or other accounting officers appeared in person, and a considerable proportion did not even send proxies. Most of those who did come brought very small sums, or " nothing at all " or " nothing save writs," [2] although six escheators, out of eight, came by self or proxy, and each brought some money. Exchequer writs were issued as usual, Walter Norwich attesting them in place of the absent treasurer.[3] This waiting on events continued for more than a month. Then, on November 6, a writ of the keeper of the realm was issued from Hereford, declaring that, as Melton was engaged in the north, he could not attend to his duties as treasurer, and therefore nominating bishop Stratford of Winchester as his lieutenant.[4] Stratford, after a show of hesitation, was now a declared partisan of the revolution. He accepted office, and on November 15, as keeper of the treasury, swore at the Guildhall to maintain the liberties of the city of London.[5] The bold effort of Melton to stand up for Edward II. in the January parliament showed the wisdom of depriving him of power; and Stratford's short period of office was marked by the beginnings of a systematic reversal of the Despensers' policy.

When the parliament, which met on January 7 at Westminster,

[1] This was a writ of privy seal issued at Westminster on Oct. 2, the very day of the king's departure; *M.R.K.R.* 103/24. To the enrolment is appended this note: " Et memorandum quod hoc breue remansit ad scaccarium recepte." As there were no soldiers, the execution of the order was clearly impossible.

[2] See the " aduentus vicecomitum " in *M.R.K.R.* 103/1-2; " nihil tulit " and " nihil tulit nisi breuia " are normal formulae.

[3] *Ib. L.T.R.* 99/195 d. gives such writs, dated between Oct. 5 and 13.

[4] *Ib. K.R.* 103/24. The writ is dated at Hereford, Nov. 15.

[5] *Ann. Paul.*, p. 318. For the important part played by the Londoners in the revolution see Thomas, *Cal. P. and M. Rolls, London, 1323–64*, pp. 11-17.

ended the revolution by recognising Edward III. as king, it was only a matter of form that ministers who were to continue in office should take out new commissions. On this occasion such a precaution was doubly necessary, for it was advisable that the irregular nominations of the interregnum should be superseded by legal appointments under the great seal. A natural result of the revival of the Lancastrian tradition was that all offices were scrutinised in parliament. The numerous petitions of the commons showed extreme consciousness of this point of view. Along with petitions that the ordinances should be observed, and that the honours of canonisation should be sought for Thomas of Lancaster and archbishop Winchelsea, the commons asked that wise and suitable councillors, elected by the magnates, should be secured for the new king. They also petitioned that no officer who was in arrears with his accounts should be restored to office until he had tendered his accounts and answered all complaints against him. The former petition was accepted; the latter was rejected by the advice of the council.[1]

The review of the officers of the crown and the consequent removals show that some attempt was made to carry out the commons' wishes. Both a new treasurer and a new chancellor were appointed, Melton and Stratford giving way to bishop Orleton, and Airmyn being replaced by John Hotham, bishop of Ely. New commissions were issued for the barons of the exchequer, the judges, and various other officers appointed by patent; but some of the old king's servants were continued without any formality, as, for example, the clerks of chancery. Walter Norwich's share in the condemnation of Mortimer in 1322 had been atoned for by his services since October, and he remained chief baron till his death in 1329.[2] The one change among the subordinate barons was the substitution, for a recent

[1] *Rot. Parl.* ii. 9-10, § 33. "Item, la commune prie, qe oin mette convenables gentz et sages entur le roi, qe lui bien cunsailer, et qe ceux soient ellutz par les grauntz." § 18, "Item, prient la commune, qe nul qe ad este en office le roy qe deit acunt, ne soit mes remys en office taunt q'il eit final acunte fait, et qu'il eit respoundre a chescuny pleinte."

[2] Norwich was reappointed on Feb. 2, 1327; *C.P.R., 1327–30*, p. 2. His successor, John Stonor, was appointed on Feb. 23, 1329; *ib.* p. 365. Norwich probably died just before this, as the writ ordering his post-mortem inquest was dated Feb. 25; *Cal. Inq. P.M.* vii. No. 235. For Norwich's descendants see above, ii. 221, and later, iii. 38, n. 1.

nominee, of the veteran William Boudon, who had long been treasurer of Isabella's household.[1] The only other important change in the exchequer was that John Langton, the king's chamberlain of the receipt who had served under Edward II., was superseded by Robert Swalecliff, another royal clerk.[2] Geoffrey Scrope, chief justice *coram rege* since 1324, was retained in office, but a successor to Staunton in the headship of the common bench was found in one of his former junior colleagues, William Herle.[3] The eight district escheators were reappointed,[4] and the almost immediate reversion to the old plan of the two escheators indicated not so much dissatisfaction with persons as a change in policy.[5] On the other hand, the sheriffs and keepers of castles were nearly all replaced.[6] It may be significant that, contrary to the express wishes of parliament, the household appointments were still kept outside its control. The slight reconstruction necessitated, when the new king gathered his household round him, we have already noticed.

The importance of this continuity of personnel must not be overstressed. The majority of officials were in no wise

[1] *C.P.R., 1327–30*, p. 9. On Oct. 15, 1327, Boudon was replaced by Robert of Nottingham, king's clerk; *ib.* p. 182. His predecessor was John of Redeswell, who had been made baron on Sept. 1 and admitted the same day; *C.P.R., 1324–27*, p. 313; *M.R.K.R.* 103/19, 115. Though deprived of this office, we find Redeswell active in the service of the new government.

[2] Langton drew his salary up to Feb. 5, though Swalecliff had been appointed on Jan. 29.

[3] *C.P.R., 1327–30*, p. 2.

[4] *C.F.R.* iv. 6-7. To the reappointments this note was added: "Be it remembered that it is not written to any one to deliver the writs, rolls, and other things, etc., because all the escheators were in the said office in the time of Edward II."

[5] Of the two escheators one, Simon Grimsby, had been one of the escheators since 1324, but the other, William Trussell, was a Lancastrian exile who had returned with Isabella, and was prominent at every stage of the revolution, notably in the trial of Despenser and in the renunciation of homage to Edward II. See later, p. 35, for him. The fluctuations between the policy of two or three escheators, and the eight escheators of 1323-27, are carefully worked out by Mr. S. T. Gibson in his Note on "The Escheatries, 1327-1341," in *E.H.R.* xxxvi. 218-224 (1921). One result of the reversion in 1327 to the old policy was that the new escheators had nothing to pay to the exchequer. Thus Trussell, "escheator citra Trentam non venit, sed Laurencius de Rustiton pro eo," but "nichil tulit, quia tarde recepit officium suum." Similarly the proxy of Simon Grimsby, the northern escheator, "nichil tulit ob causam predictam"; *M.R.K.R.* 103/12 d.

[6] *C.F.R.* iv. 15-17 records that between Dec. 3, 1326, and Feb. 24, 1327, nineteen sheriffdoms changed hands. There were further changes in March.

politicians, but were professional servants of the state or household. Their business was to execute the orders of their superiors. They had, therefore, no scruple in carrying on the routine of administration under any form of government. A modest revolution scarcely disturbed the official class, whose permanence was as strongly marked in the fourteenth century as is that of the civil service of our own day.

If we would appreciate the measure of change which the new reign brought about, we must go beyond the minor officials to the heads of the great offices. At once we are struck by the short tenure of office of all the great officials during the minority of Edward III. There were, for instance, five treasurers between the accession of Edward III. and the fall of Mortimer.[1] These and similar fluctuations in the tenancy of the chief posts in the king's household illustrate the instability of the ruling coalition. Indeed, this coalition began to split up into its constituent elements as soon as its triumph was assured. The main cause was, undoubtedly, the jealousy between the followers of the Lancastrian tradition and the new court party, which strove to give effect to the wishes of queen Isabella and Mortimer. The evidence of change of policy which the acts of the new administration afford is even more illuminating.

A large share of the spoils of office was won by the representatives of the baronial opposition. As the new king was a boy of fifteen, a standing council of regency seemed necessary. Here the Lancastrians mustered strongly, the way for this being prepared by the reversal in parliament of the sentences against the chief contrariants, a reversal soon followed by their substantial restoration to their ancient estates.[2] Henry of Lancaster held the first place in the council, having already received the custody of the deposed Edward of Carnarvon, and of Kenilworth castle, in which he was confined.[3] Henry's supporters on the council included bishops like John Stratford, his chief clerical friend, and such temporal adherents as Thomas Wake of Liddell, his son-in-law, constable of the Tower and justice of the forest south of

[1] See below, p. 17, n. 4.

[2] The restoration was not always quite complete, as is shown in the cases of Lancaster and Badlesmere.

[3] *Rot. Parl.* ii. 10-12.

Trent,[1] and the northern barons, Henry Percy and John Ros,[2] the last being also steward of the new king's household. Under the active leadership of Henry of Lancaster and bishop Stratford, the baronial opposition which Thomas of Lancaster had once led, reformed its ranks and exerted overwhelming influence.

The clearest proof of the influence of the Lancastrian magnates is found in the repudiation by the new rulers of the novel experiments of the Despensers, and the resumption of the good old ways which appealed to their conservative instincts. Thus, for instance, the Despenser system of home staples in certain fixed towns was first undermined and, after fifteen months, definitely abolished.[3] Within a few weeks of the revolution the eight regional escheators of 1323–24 were replaced by the older system of one escheator north and one escheator south of Trent.[4] The suppression of the chamber lands, carried out before the end of 1326, was undoubtedly popular with the tenants of chamber

[1] *Ann. Paul.*, p. 340, says that Wake was made chamberlain in the Northampton parliament of April 1328; but *C.C.R., 1327–30*, pp. 371, 387, show that Gilbert Talbot was so acting on Mar. 1 and May 12, 1328, and *C.P.R., 1327–30*, p. 159, on Aug. 23, 1327. The text of the chronicler is confused and full of error, and I have noted no other evidence that Wake was chamberlain. If he were, he would have been more likely to have been removed than appointed in 1328. See below, p. 15, n. 3.

[2] Ros' first attestation of a charter as steward is dated Feb. 4, 1327 (*Ch. R.*, 1 Edw. III. 114/89); his last is on Mar. 3, 1328 (*ib.* 2 Edw. III. 115/85).

[3] The Kenilworth ordinance of May 1, 1326 (see *Place of Edw. II.* p. 261) was re-enacted on May 1, 1327 (*Foedera*, ii. 705-706), but on Sept. 23 a temporary measure of free trade was allowed till Christmas at "the staples and elsewhere" for those who would pay an extra customs duty; *C.P.R., 1327–30*, p. 169. The merchants were in favour of the foreign staple, but the chief towns, notably London, regarded even free trade as better than a staple abroad; Thomas, *Cal. P. and Mem. Rolls, London, 1323–64*, pp. 52-54 and 56-58. Henry Cliff held an inquiry early in 1328 at York, and found opinion much divided. Finally the parliament of Northampton abolished the Kenilworth ordinance at Easter, 1328. Free trade remained in operation until 1332, when the English staples were restored; *C.P.R., 1330-34*, pp. 362-363. The staple towns were the same as under Despenser's ordinance. See later, p. 50.

[4] The escheatorship north of Trent was restored on Feb. 4, 1327; *C.F.R.* iv. 2-3. This only involved adding to the existing escheatorship of the northern shires, all Lancashire, and the parts of Notts., Stafford, and Derby north of the Trent. Grimsby, acting in the smaller area since 1324, had thus his jurisdiction enlarged by those districts. On the same day, Feb. 4, the other seven local escheators had their offices regranted them; *ib.* pp. 6-7 and 11. They were all superseded on Feb. 26, when William Trussell was made escheator south of Trent; *ib.* p. 22.

manors, who had petitioned for permission to compute at the exchequer.[1]

In the same spirit the bishop of Durham was given confirmation of his "royal liberties" in his palatinate,[2] and the archbishop of York of his "port and prises in the water of Hull," which Edward I. had stopped.[3] Again, it was sheer reaction to abolish the chancellor's fee and allow chancellor Hotham to make his profit from the "issues of the seal," after the ancient fashion.[4] Though the ordinances had been accepted generally, in one particular the reactionaries went so far as to set aside a characteristic constitutional reform made by the ordainers. One result of the ordinances had been that the two chief forest officers, north and south of Trent, had been refused their earlier title of justice of the forest, and given instead the humbler designation of keeper, or warden.[5] Nevertheless, Thomas Wake was now definitely appointed justice of the forest south of Trent, and his three successors in office enjoyed the like title until 1330.[6] If the justiceship north of Trent was not revived, it was probably only because of the life grant of the keepership made in 1317.[7]

The constitutional attitude assumed by the new government comes out in the frequency of representative parliaments and the great variety of business referred to them, ranging from appointments to offices to the peace with Scotland. So insignificant a matter as the restoration of their lands to the alien priories, after the conclusion of peace with France, was made

[1] See later, iv. 230-231.

[2] *Foedera*, ii. 710.

[3] *Foedera*, ii. 697, 710; *C.C.R., 1327–30*, pp. 51-52. Melton had based his claim on an alleged charter of Athelstan, giving the see of York "all liberties in the water of Hull that heart might think or eye might see." The crown preferred a more limited grant of Henry III.

[4] This grant was made on Jan. 26, 1327; *C.C.R., 1327–30*, p. 265.

[5] See *Place of Edward II.*, pp. 357-360.

[6] *C.F.R.* iii. 423; for William Zouch of Mortimer, *ib.* iv. 93; and for John Maltravers, *ib.* pp. 128 and 206.

[7] *Ib.* ii. 311, records the appointment of John Cromwell as keeper during pleasure on Nov. 23, 1316. He was made keeper for life on Sept. 25, 1317; *ib.* p. 341. Cromwell on his return from exile resumed office on Feb. 10, 1327; *ib.* iv. 8. He was then described as justice, but was more usually called keeper. After 1330 both forest officers are described as keepers again. See for a similar restoration of the forest justiceship under Richard II. later, iv. 45. G. J. Turner, in *E.H.R.* xviii. 112-116, gives a good list of the justices south of Trent.

" with the assent of the prelates, earls, barons, and other magnates in the present parliament." [1] A liberal confirmation of the great charter and the charter of the forests, and the confirmation of the old and the grant of new privileges to the city of London, were other concessions of the same type. Thus the ostentatious conservatism of the baronage swept away much of the work of the courtier radicals of the last reign.

The Lancastrian baronage was not indifferent to more material considerations than policy, but by far the richest of the concrete rewards of victory went to Isabella and Mortimer and their personal partisans. An immense increase was made to Isabella's dower lands, including a large proportion of the manors formerly assigned to Edward II.'s chamber.[2] Mortimer added to his great Welsh estates the lion's share of the spoils of the Despensers and Fitzalans, and the justiceship of Wales for life. He might well have been the founder of a " royal liberty " in the west, far transcending any other existing franchises,[3] and from this point of view his later earldom of the March has a special significance.[4] Except for the justiceship of Chester, given to Mortimer's follower Sir Oliver Ingham, the official recognition of the Marcher faction was slight as compared with its material aggrandisement. Mortimer had not even a seat on the standing council set up to rule in the young king's name. Doubtless bishop Orleton and Oliver Ingham sufficiently represented his interests on that body, which was indeed never intended to be properly effective. In essence it was another attempt to exploit the name of Lancaster and the traditions of the last reign, in the interests of the dominant party.

The land remained extremely unsettled, and until 1328 England was at war with the French and the Scots. There were many plots to release Edward of Carnarvon, or to restore him to his throne. It was in vain that the deposed king was transferred from the custody of Lancaster to that of close allies of

[1] *M.R.K.R.* 103/40-41. The writ dated Feb. 7, 1327, was " de assensu prelatorum, comitum, baronum et aliorum magnatum, in presenti parliamento nostro existencium. Per petitionem de consilio."

[2] See for this later, iv. p. 232, n. 1, and v. chap. xviii. § I.

[3] Particulars of the acquisitions and alliances made by Mortimer will be found in my article on him in the *D.N.B.*

[4] See later, pp. 21-22.

Mortimer.[1] The friends of the old ruler so nearly succeeded that they seized Berkeley Castle and plundered it, and rescued the captive king.[2] Though he was soon recaptured, the Mortimer faction now thought it prudent to put him secretly to death.[3] Vigorous efforts were made to grapple with public confusion, but the land still groaned under the terrorism of the young king's household, which in its search for plunder and purveyance did not spare even the property of the church.[4] Still more disorderly than the royal household was the household of the king's uncle, Edmund, earl of Kent.

While the country was seething with unrest, the coalition which had brought about the revolution was gradually breaking up. It soon became clear that the Lancastrians and the followers of Mortimer took up different attitudes on nearly every public question. These differences further emphasised the deep-seated personal animosities which had been only partially glossed over by the temporary pursuit of a common end. The last point on which the two factions agreed was making peace with France and Scotland, but this policy of reconciliation, though in accordance with Lancastrian tradition and in the interests of Mortimer and the queen, did not please public opinion. For this reason parliament was saddled with the responsibility of the surrender to the successful Scottish rebels.

The most disturbing consideration to the Lancastrians was the increasing evidence that the queen and Mortimer were gradually depriving them of all effective influence. Though frequent parliaments were held, they were persistently held away from

[1] The new keepers were Thomas Berkeley, to whose castle of Berkeley Edward was transferred, and John Maltravers. Berkeley was Mortimer's son-in-law, and Maltravers was married to Berkeley's sister.

[2] A text proving this has been published by Dr. Tanquerey in *E.H.R.* xxxi. 119-124 (1916).

[3] See for the circumstances attending Edward's murder my *Captivity and Death of Edward of Carnarvon*. M.U.P. 1920.

[4] See for this the curious pamphlet called *Speculum regis Edwardi* (ed. Moisant, Paris, 1891). This paper, as Prof. Tait has shown (*E.H.R.* xvi. 110-115), was written between 1330 and 1333, and probably by Simon Meopham, who was archbishop of Canterbury between 1328 and 1333. It enumerates the scandals of the royal household, which were at their worst before the fall of Mortimer; *Speculum*, p. 99. After Mortimer's execution the goods of churches at least were commonly spared: "adhuc tamen durant et fiunt omnia predicta mala; hoc solummodo excepto, quod illi de curia tua non capiunt ita communiter bona ecclesiarum ut prius facere consueverunt."

London, where the magnates and bishops in conjunction with the citizens tended to overbalance the court party. The negotiations with Scotland gave suitable excuse for removing the exchequer and common bench from Westminster to York in October 1327. This Mortimer and Isabella did in the face of strong remonstrance from the city of London.[1] At the same time, the queen and Mortimer were steadily striving to replace Lancastrian officials by men of their own. Among their nominees were unequally yoked together Lancastrian deserters, followers of the anti-Lancastrian tradition of Badlesmere, and clerical and knightly adventurers anxious for a career. Afterwards Mortimer was charged with having moved and appointed ministers, mostly ministers of the household, to suit his caprice.[2] Yet a certain movement among officers, both in the state and in the household, was so usual that the importance of these short-lived appointments must not be over-estimated, and to distinguish any continuous policy in the welter of self-seeking that mainly characterised the minority of Edward III. would be rash. It can safely be said that no strong Lancastrian partisan was now suffered to be either chancellor or treasurer. Although the Lancastrian Gilbert Talbot continued in office as king's chamberlain for the whole of the period 1327–30, and beyond it,[3] most of

[1] *C.C.R., 1327–30*, pp. 160-162; *M.R.K.R.* 103/103 d.; *Cal. Plea and Mem. Rolls. Lond., 1323–64*, pp. 25, 29, 30, 31, 69. The order for the return to Westminster was issued twelve months later, on Oct. 20, 1328, after consultation with the Salisbury parliament; *C.C.R., 1327–30*, pp. 324-325; *M.R.K.R.* 105/6, 24, 224. In "Exchequer Migrations to York in the 13th and 14th Centuries" in *Essays in Mediaeval History presented to Thomas Frederick Tout*, p. 292, Miss Broome has made a slip in describing this absence from Westminster as lasting only for two months, Oct. to Dec. 1327, instead of for fourteen months, Oct. 1327 to Dec. 1328.

[2] *Rot. Parl.* ii. 52; *C.C.R., 1327–30*, p. 325.

[3] *C.C.R., 1327–30*, p. 35, shows that Talbot had been "of the quarrel, of Thomas, late earl of Lancaster," and therefore imprisoned and deprived of his lands until he agreed to pay to Edward II. a heavy fine. On Feb. 13 the fine was remitted on the petition of the council. We have already mentioned that *Ann. Paul.*, p. 340, says that Thomas Wake was appointed chamberlain at the Northampton parliament of April 1328, and have indicated the improbability of such a step; above, p. 11, n. 1. If Wake was ever in office, it was only for a few weeks. The chronicler at the best records an attempt to put in Talbot's place a more thoroughgoing Lancastrian. It is clear from *Cal. Plea and Mem. Rolls, London, 1323–64*, pp. 77-80, that a vigorous though unsuccessful attempt was made at Northampton to assert Lancaster's position as the king's chief counsellor.

the occupants of the great offices were rather representative of the old Pembrokian following, and leant towards the moderate court party.

There was one small set-back to Mortimer's influence when bishop Orleton gave up the treasury within two months of his appointment. His motive for resignation was a mission to Avignon, whence he came back "provided" by the pope to the bishopric of Worcester, a richer see than that of Hereford. Orleton's eager quest of personal advancement soon brought him into conflict with the court, which for a time lost in him a strong partisan.[1]

The next treasurer, Henry Burghersh, bishop of Lincoln, the nephew of Badlesmere, represents most faithfully the ministerial type of the period. He was by that time a complete convert to the court party.[2] While he was still at the exchequer, an attempt was made to secure his appointment by papal provision to the archbishopric of Canterbury, which had been vacated in November 1327 by the death of the discredited Walter Reynolds. This attempt was defeated, apparently owing to the influence of Henry of Lancaster, by the canonical election, accepted by the pope, of Simon Meopham, a scholar and a saint, who tried, in spite of weak will and ineffective character, to make the voice of the church heard on behalf of order and good government. Burghersh was compensated for this failure by transference from the treasury to the chancery.[3] He remained chancellor from May 1328 to November 1330, and was the only person to hold practically continuous office during the whole of the minority of Edward III. He received the issues of the seal in March 1329 in

[1] He held office from Jan. 28 to Mar. 25 only. By December he had incurred the king's anger, and was refused the temporalities of Worcester; *C.C.R., 1327–30*, p. 239. The absence of Orleton from England during the whole time of Edward II.'s captivity at Berkeley makes impossible the famous story of Geoffrey Baker, which describes him as the chief villain in the tragedy of Edward's murder; Baker, pp. 31-32.

[2] His aunt, lady Badlesmere, despite her personal feud with queen Isabella in 1321, was pardoned and restored to her estates.

[3] Hotham resigned the chancery on Mar. 1, 1328. Henry Cliff, keeper of the rolls, received on the same day the custody of the seal jointly with William Harleston. At the same time Cliff was ordered to keep an inn for the clerks of chancery, and to receive the fee which other chancellors had received up to the time when Hotham had been given the issues of the seal; *Foedera*, ii. 731. This keepership ended with the appointment of Burghersh, May 12; *ib.* p. 743.

accordance with the precedent of Hotham.[1] His influence on affairs was such that, even before he became chancellor, an aggrieved suitor complained that Burghersh could order to be made any letters of privy seal which he would, so that a letter of privy seal was at that time of no value as a check on the chancery.[2] Thus dominating the privy seal, Burghersh did not hesitate to enforce his supremacy over the other offices of state. That a chancery writ overrode an exchequer writ comes out clearly in a letter ordering the collectors of a subsidy to pay certain sums, which they had levied, direct to the Bardi without waiting for exchequer writs to that effect.[3]

Burghersh's successors at the treasury, Roger Northburgh, bishop of Lichfield, Thomas Charlton, bishop of Hereford, and the inevitable Robert Wodehouse, were not the men to resist such action. All three were officials of curialistic upbringing, who, if they had some sympathy for a reforming policy, had a stronger feeling for their own advancement.[4] It is unlikely that

[1] See *C.C.R., 1330–33*, p. 73. Just before Burghersh's fall, John Wodehouse, keeper of the hanaper, resumed responsibility for the issues of the seal on Nov. 4, 1330. *Ib.*

[2] *Rot. Parl.* ii. 46. The petitioner claimed "qe lettre de garante de prive seale le roi ne peut excuser le dit evesqe . . . desicome il meismes poait commander estre fait lettres de prive seale tieles q'il vodra." See my former pupil, Dr. B. Wilkinson, on "Authorisation of Chancery writs under Edward III.," in *B.J.R.L.* viii. 110. Burghersh offended the clerks of the chancery by giving the small livings, of which he had absolute disposal, to his personal clerks rather than to the staff of his office.

[3] *C.C.R., 1327–30*, p. 311. An apology for this interference with the normal course of the exchequer was, however, thought desirable. "As the exchequer is closed at the present season (Aug. 20, 1328), so that writs under the exchequer seal cannot be made," the king, to avoid loss and delay, approached the collectors directly by writ of chancery. The more regular method would have been a mandate to the exchequer to direct the collectors under the exchequer seal to carry out the king's wishes.

[4] The exact dates of the treasurers of the period are: Adam Orleton, bishop of Hereford, Jan. 28–Mar. 18, 1327; Henry Burghersh, bishop of Lincoln, Mar. 25, 1327–Mar. 2, 1328; Roger Northburgh, bishop of Lichfield, Mar. 2–May 20, 1328; Thomas Charlton, bishop of Hereford, May 20, 1328–Sept. 16, 1329; Robert Wodehouse, archdeacon of Richmond, Sept. 16, 1329–Nov. 28, 1330. The early retirements of Orleton, Burghersh, and Northburgh can all be explained: that of Orleton by his dispatch on a mission to Avignon in Mar. 1327; that of Burghersh by his promotion, and that of Northburgh by his being sent with Orleton on the embassy to France in May 1328; *Foedera*, ii. 743. It is, however, highly probable that Northburgh never acted, in spite of the mandate of Mar. 2, 1328, to Burghersh to deliver to him the "things appertaining to the office." *C.C.R., 1327–30*, p. 277, seems to describe Burghersh as still treasurer on Apr. 28, and *R.R.* 280 makes Burghersh go on as treasurer till

any of these short-lived ministers exercised much personal authority. As under Edward II., power rested mainly with the permanent officials.

Mortimer made his influence felt most in the domestic offices rather than in the offices of state. In particular he secured the control over the young king's household when, after the removal of the Lancastrian Ros, three consecutive stewards of the household, John Maltravers, John Wysham, John Maltravers again, and Hugh Turplington,[1] represented the inner circle of confidants.[2] Wysham had Lancastrian connections, and perhaps his reversion to them explains his short tenure of office.[3] Maltravers was a converted Lancastrian exile who had returned to England in Mortimer's train, and, as one of the keepers of Edward of Carnarvon, was open to the worst suspicions of complicity in his murder.[4] Turplington died bravely in defending Mortimer in the final crisis at Nottingham on October 19, 1330. Of the

---

July, when Charlton took over the office. If this were so, then Burghersh served as both treasurer and chancellor between May and July. *Ann. Paul.*, p. 340, make the ministerial changes to have taken place in the Northampton parliament of April 1328, but its details are thoroughly inaccurate. The discrepancy about the dates may indicate a conflict between Lancaster and Mortimer as to Burghersh's position. It is clear that *Ann. Paul.* represent what Lancastrians wished, rather than what happened. Stubbs (*C.H.* ii. 389) is lacking in precision in describing the ministerial changes of this period.

[1] This is the most usual form of the name in contemporary documents. Mr. C. G. Crump has pointed out to me passages in Eyton's *Shropshire*, ix. pp. 322, 325, 326-327, which suggest the name is derived from Tripplеton, a township in the parish of Leintwardine, hundred of Wigmore, Herefordshire.

[2] The approximate dates of the stewardship are: John de Ros (Feb. 4, 1327–Mar. 3, 1328); John de Maltravers (Mar. 3–May 11, 1328); John de Wysham (May 12, 1328–Feb. 17, 1329); John de Maltravers again (Mar. 1, 1329–July 29, 1330); and Hugh de Turplington (Aug. 10–Oct. 19, 1330, when he was killed). These dates are derived from their attestations on the charter rolls, 1-4 Edw. III. See also, later, the lists in vol. v. Ros was on Oct. 8, 1327, called "steward of the household of queen Isabella"; *C.P.R., 1327–30*, p. 179. His services to Isabella are spoken of on *ib.* p. 140, and to the queen and king "beyond seas and within seas," on *ib.* p. 105.

[3] For Wysham I have had the advantage of reading the rough manuscript of an account of him which its author, the Rev. R. G. Griffiths of Clifton-on-Teme, has kindly allowed me to use. His name doubtless comes from the hamlet of Wyesham, close to Monmouth—a Lancastrian lordship; but his career shows very varied connections. But his desertion of Mortimer was complete, for a few days after the Nottingham crisis he was appointed justice of North Wales; *C.P.R., 1330–34*, p. 10.

[4] For Maltravers' share in the death of Edward II., see my paper on *The Captivity and Death of Edward of Carnarvon.*

lesser court servants, John Wyard, king's yeoman, was accused of acting as Mortimer's spy.[1]

Considering the troubled times, the departmental officers did their work well. In particular the exchequer deserves credit for its efforts to carry out the Stapeldon-Melton reforms, and for continuing its task of bringing up to date the audit of "foreign accounts," still lamentably in arrears. The formal appointment by the exchequer, in 1310, of a band of "auditors of foreign accounts," was, as Dr. Broome has demonstrated,[2] perhaps the first exchequer reform of Edward II.'s reign. Although towards the end of 1316 it was felt that the need for such officials was then so slight that they could be discharged, early in 1317 the exchequer decided it would be advisable to retain the services of two of the auditors. The seizure by the king of the contrariants' lands in 1322, and their speedy transference from chamber to exchequer control, gave an opportunity to Stapeldon, then at the height of his reforming zeal, to double the original number of auditors and enlarge their scope. It is not too much to say that these officers helped to make it possible for the exchequer to grapple with the increased responsibility which Stapeldon and his fellow-reformers threw upon it. When, after Roger Belers' murder in 1326, the northern and southern branches of the exchequer were amalgamated, the restoration of exchequer unity did not prevent further development of the work of the foreign auditors. Appointed by the exchequer itself, they were not likely to excite its jealousy, and the erection of a special house, procured in 1326, adjacent to and connected with the exchequer, for the hearing of foreign accounts before these auditors,[3] proves

[1] *Rot. Parl.* ii. 52. "Et mist (sc. R. Mortimer) Johan Wyard entour le roy d'espier ses faitz et ses ditz." Mortimer made his steward, Richard of Hawkslow, chirographer of the common bench; *C.P.R., 1327–30*, pp. 2, 229.

[2] See her important paper in *E.H.R.* xxxviii. 63-71, with her later addendum in *ib.* xxxix. 482, on "Auditors of the Foreign Accounts of the Exchequer, 1310–1327." I gratefully accept her correction of my unfortunate guessings on this matter: above, ii. 341. A suspicion of their inadequacy inspired me to a corrigendum inserted at the last moment, but this was based on imperfect knowledge and did not go nearly far enough. We owe it entirely to Miss Broome that the whole question has been settled conclusively, by her discovery of the relevant texts in the Memoranda and Issue Rolls.

[3] *R.B.E.* ii. 932; *M.R.K.R.* 101, 19 Ed. II. breu. dir bar., Hil. t. This writ has been printed by Dr. Broome in *E.H.R.* xxxviii. 68-69: "une bone meison pur les acountes foreins, joignant de coste." This may have been an indirect, and if so the only permanent, result of Belers' division of the exchequer,

that they were regarded as permanent members of its staff. The department of foreign audit became a self-contained, though not an entirely separate, branch of the exchequer. The rate of progress in auditing the foreign accounts must have been retarded by the exchequer's fourteen months' visit to York in 1327–28,[1] but after the return to Westminster the work was pursued with such determination that a good deal had been done before the fall of Mortimer and Isabella.[2]

Administrative continuity was thus kept up under the new *régime*. A number of ancient wardrobe accounts were at last passed, and the exchequer took full advantage of the collapse of accountability to the chamber to review the whole of the arrears of the chamber accounts. By June 1330 the books of the controllers of the chamber, up to 1326, were all duly delivered and enrolled.[3] Some of the magnificent enrolments of the accounts of the keepers of contrariants' lands now received their final form. The excellently kept exchequer records of the period tell the same tale, the memoranda rolls in particular being of enormous dimensions and written with great care and elaboration. Nor can any fault be found with the corresponding chancery rolls. Thanks to the permanent "civil service"—if we may anticipate the modern phrase—routine went on equally well, whether the heads of the departments were competent or incompetent, long-lived or short-lived.

The energy of the exchequer was the more creditable since, even when the officers once accountable to the chamber were forced to bring their past accounts to Westminster for audit, the former chamber lands, now transferred to Isabella's keeping, seemed to have remained entirely outside exchequer control.[4] Year after year we read in the memoranda roll the list of queen's manors, but the names of the keepers of the lands are not so

---

1324–26. See above, ii. 211. In that same year of 1326, too, an attempt was made, presumably by the exchequer, although it was initiated by a writ of privy seal dealing with exchequer personnel generally, to raise the number of auditors to twelve. The new appointments sanctioned do not, however, seem to have taken effect; *M.R.K.R.* 102, 20 Ed. II. breu. dir. bar., Trin. t. See *E.H.R.* xxxix. 482.

[1] See above, p. 15.

[2] For details, see later, chapters xi. and xiii.

[3] See above, ii. 348-349.

[4] See below, vol. iv., chap. xiii.; and vol. v., chap. xviii. § I. The queen's household.

much as mentioned, nor did they bring any accounts, cash, or tallies to the exchequer. The administration of these lands was now vested solely in the queen's household officers, who were accountable to her own exchequer at Westminster. To this body all her keepers and bailiffs were instructed by royal writ to make their proffers of their issues and ferms twice a year, in the same way that proffers were made by the king's bailiffs at his exchequer.[1] Isabella's lands, then, were as free from ordinary exchequer control as when they had been reserved to the king's chamber. Unluckily, very little is known of the administration of Isabella's wardrobe, chamber, or exchequer. A bare list of her officers, all of her own appointment, and some suggestions of her financial transactions might be painfully collected, but all her accounts are lost. The queen's exemption from exchequer control prevents much hope of our finding them among the archives of that office. It is clear, however, that Isabella's lands were rapidly becoming another great franchise, an *imperium in imperio*.

In the same way Mortimer himself was securing in Wales and the March a feudal principality transcending that dreamt of by the younger Despenser in the hey-day of his power. Mortimer not only ruled over his own vast inheritance, but he procured enormous additions to it. He built up a great family connection by marrying his numerous children to heirs and heiresses. He exercised to the full his prerogative as justice of both North and West Wales. On the borders of the principality, he was in the south the keeper of the Despensers' marcher lands in Glamorgan, and in the north master of the large possessions of the last earl faithful to Edward II., Edmund Fitzalan, earl of Arundel and lord of Oswestry and Clun. In Ireland he was building up a similar principality on the basis of his "regality" of Trim, and his custody of the Beauchamp estates gave him a sure footing in the Midlands. When he took up the dignity of an earl in that parliament at Salisbury where he openly broke away from Lancaster, Roger was not content to be styled earl of this or that county, but was called earl of the March of Wales. Such an earldom, as an indignant chronicler remarks, was never before

[1] *C.C.R., 1327–30*, p. 143.

heard of in England.[1] If the younger Hugh's attempts to build up a Marcher principality had raised all the baronage against him in 1321, inevitably Mortimer's ruthless destruction of the balance of power in Wales and the March soon excited the utmost jealousy of the watchful nobles who had united to bring him back from exile to authority. In spite of his long pedigree and inherited position, his aggressions caused him to be regarded as an upstart, a favourite, a scandalous and a greedy person. A man pursuing personal gain with such single-mindedness was bound to rouse the hostility of a baronage ever suspicious of an overmighty member of their own class.

As a counterpoise to aristocratic opposition, Mortimer had recourse to the new capitalist class. In particular he was shrewd enough to enlist the whole-hearted support of the rising merchant family of the Poles of Hull. His influence made Richard de la Pole chief butler in 1327, and the advances of that family lessened the financial stringency of the minority.

Before the slow-witted barons had become fully conscious of the encroachments of the earl of March, they had already concrete grievances of their own in other directions, and the coalition which had given Edward III. his throne was soon to be shattered upon the rock of Lancastrian irritation at exclusion from power. It is questionable how far the withdrawal of the deposed king from Lancaster's custody in April 1327 was due to the earl's refusal to accept further responsibility for him,[2] and how far it resulted from Isabella and Mortimer's distrust of Lancaster.[3] Plainly the change in keepership made the tragedy of Berkeley easier, but it also definitely placed responsibility for it on the shoulders of Mortimer's dependents and kinsfolk. Earl Henry must soon have seen that his nominal position as chief of the standing council of regency had been devised with the object of making him responsible for a policy for which he had little liking. The family annalist records Henry's bitter complaints that he was neither suffered to approach the king nor to give him advice.[4]

[1] *Ann. Paul.*, p. 343. "Et talis comitatus nunquam prius fuit nominatus in regno Angliae"; "comitem Marchiae Walliae"; Murimuth, p. 58. Compare "comitatus inusitato nomine."

[2] Knighton, i. 444. [3] *Captivity and Death of Edward II.*, pp. 18-19.

[4] Knighton, i. 447, "non potuit ei appropinquare nec quicquam consilii dare."

It could not have been pleasant to see Pontefract, the scene of his brother's martyrdom, in the hands of Isabella's bailiffs ;[1] nor reassuring to have his son-in-law, Thomas Wake, removed from the custody of the Tower of London in favour of Bartholomew Burghersh, the brother of the bishop of Lincoln. His partisan, Ros, lost his position as steward of the household, and his chief episcopal ally, John Stratford, was carefully kept from all office. Henry's last act in support of the Mortimer faction was persuading the clergy to make a grant in the parliament of Leicester of 1328.[2] The men of the old middle party, notably the Badlesmere-Burghersh clan, which had ruined his brother's cause, were now supreme.

Despite his caution, Lancaster was slowly forced to take action. His followers were already out of hand, and by mid-October 1328 had murdered the traitor Robert Holland, who had deserted earl Thomas in his hour of need, and had sent his head as an acceptable present to their master. On October 16 parliament met at Salisbury, where Mortimer appeared with an armed force obviously meant to overawe the assembly.[3] Lancaster refused to attend, and gathered together a band of soldiers at Winchester, in opposition to Mortimer. His friends, including the two archbishops, bishop Stratford, and other bishops, withdrew from parliament without licence.[4] The discredited royalists took things into their own hands. They created three new earls, of whom Mortimer was one, but they dared not persevere, and before long parliament was adjourned.

It looked as if proceedings reminiscent of the worst days of earl Thomas might well lead to another civil war. The newly made earl of March devastated Henry's Leicestershire lands and

[1] The honour of Pontefract, a Lacy possession, had been ruled by the chamber till 1326, and in 1327 was given to Isabella for life. By Edward I.'s re-grant of the Lacy estates to Henry, earl of Lincoln, Henry of Lancaster had the right to succeed to them on the death of his sister-in-law, the countess Alice ; *C.Ch.R., 1257–1300*, p. 427, dated Dec. 28, 1292. Yet it was not until Mortimer's fall that earl Henry could extract a recognition of his right ; *C.P.R., 1330–34*, p. 19. The honour had been transferred from Isabella to queen Philippa (*C.P.R., 1327–30*, p. 501) in Feb. 1330, a process which set a new and younger life interest between Henry and his claim. It is significant that the grant was made after the collapse of Lancaster's revolt. See later, p. 24.

[2] *Ann. Paul.*, p. 348.

[3] *Rot. Parl.* ii. 52.

[4] *Foedera*, ii. 753 ; cf. *Ann. Paul.*, p. 342.

occupied Leicester itself.[1] Again earl Henry "rode" with his followers against his enemy, but he got no further than Bedford. He was deserted by the king's uncles, and advised by the new archbishop, Simon Meopham, to make peace. In the result he and his chief followers were mulcted in enormous fines,[2] and some of the more active of them, including Wake, Trussell, and Thomas Wither, the murderer of Holland, fled from the realm, and lost their estates.

The miserable collapse of the Lancastrians was complete by January 1329. Only then was the Salisbury parliament allowed to reassemble in Westminster, but the failure of Lancaster had also rendered parliament helpless. All this made Mortimer's position stronger than ever, though it put an end to all hope of co-operation between him and the nobles. In March 1330 he deliberately lured to his ruin the king's foolish uncle, Edmund of Kent, and this was almost the last of Mortimer's triumphs. By May 1330 his power was so precarious that it was thought wise to strengthen the military protection of the court by contracting with leading partisans of Mortimer, in return for grants of land, for their continual presence at court with a specified number of men-at-arms.[3] Yet as late as August, Mortimer succeeded in repressing an attempt of Rhys ap Gruffydd, the Welsh magnate incriminated in the conspiracy which induced Mortimer to put Edward II. to death, to return from exile and put himself at the head of his kinsfolk and tenants in the principality.

Edward III., now eighteen years old, thought it time for him to be king in fact as well as in name. He was, however, at a disadvantage in planning any decisive step, because he had come to the throne so young that he had not had the chance of gathering round him a group of faithful household servants such as that which had enabled Edward of Carnarvon, when he was prince of

[1] Knighton, i. 450, describes Mortimer's host as "magnus exercitus Anglicorum et Wallanorum."

[2] *C.C.R., 1327–30*, pp. 528–530, gives the details. Earl Henry was fined £30,000, Hugh of Audley and Thomas Wake each £10,000. The acknowledgements were cancelled on Dec. 4, 1330, after Mortimer's fall.

[3] *C.P.R., 1327–30*, pp. 516, 517, 529, 530, show that Bartholomew Burghersh was to be "always with the king," with 20 men-at-arms, Edmund Bohun with 7, Maurice of Berkeley with 4, and Sir Simon Bereford with 200, while Maltravers was to be "with the king," and now became steward of the household for the second time.

Wales, to attempt the destruction of Walter Langton, the strongest of his father's ministers. On the contrary, Isabella and Mortimer had carefully kept him in leading strings, and had filled his household with their own personal dependents, who were more likely to spy on his movements than to help him to realise his wishes. Yet inevitably the wretched plight of the vigorous and energetic young king excited the sympathy of such of his followers as were not too intimately bound up with Mortimer's schemes, and there were always courtiers who, as much as they dared, would strive to win the favour of the monarch who must sooner or later come into his own. A little inner circle of confidants did then grow up about the king. They, while keeping on outwardly good terms with Isabella and Mortimer, secretly conspired with their master to overthrow them. Among these supporters the chief lay representative was the knight, William Montague, and the chief clerical representative was the household clerk, Richard Bury.

Richard Bury was the only servant of Edward's youth who played a prominent part in his reign. From the early boyhood of the earl of Chester he had been in his service.[1] In 1319, when Edward was still a mere child, Bury was already clerk to the justice of Chester, and from 1320 to 1323 acted there as chamberlain. This office, with its periodical journeys to court to render accounts to the exchequer, or to pay in sums to the earl's wardrobe, gave Richard regular opportunities of coming into personal relations with his master, though his own normal residence in Cheshire, and the complete absence of positive evidence, refute the tradition that he was Edward's tutor.[2]

[1] *Foedera*, ii. 804, speaks of "fructuosa obsequia quae nobis a pueritia nostra impendit et in dies impendere non desistit." This was in 1330. On March 29, 1330, pardon was granted to Richard of Bury, king's clerk, of his arrears of accounts as chamberlain of Chester "for labours and expenses in the service of the king, as well before he assumed the governance of the realm as afterwards"; *C.P.R., 1327–30*, p. 505.

[2] This legend, first appearing with many strange tales in William Chambre's *Durham Chronicle* of the next generation (Wharton, *Anglia Sacra*, i. 765, and *Hist. Dunelm. Scriptores Tres* (Surtees Soc.), p. 127), may well have no other origin than Bury's desire to be thought a great clerk. See later, p. 26, n. 2. Edward's tutor was John Paynel, parson of Rostherne, in Cheshire. He was one of Bury's successors as chamberlain of Chester, acting from Dec. 17, 1326, to March 13, 1327, and afterwards intermittently up to 1335; Brown, p. 100; *C.F.R.* iv. 207. He is specially mentioned as rendering good service to Edward in his youth by superintending his education in literature, "intendendo doctrine

From 1323 to 1326 it is likely that Bury continued in Edward's service, but lack of household accounts prevents us from ascertaining in what capacity. However, from February 19 to April 16, 1326, he held the important post of constable of Bordeaux, when Edward was in possession of the duchy of Aquitaine.[1] He seems to have attended Edward and Isabella on their journey to France, and to have been with them in Paris. Probably, therefore, Bury personally discharged his functions at Bordeaux. In any event he came back with Edward to England, and was transferred to the new king's wardrobe. Here he was at first cofferer, and afterwards, from August 21, 1328, to September 23, 1329, keeper and treasurer.[2] Called from this dignity to what had hitherto been the comparatively subordinate office of keeper

---

litterature"; *C.C.R., 1327–30*, p. 573, Nov. 13, 1329. It is not impossible that the less known clerk was overshadowed by and confused with the reputed author of the *Philobiblon*, to whom the credit of the young ruler's education thus came to be ascribed. See later, p. 37, n. 4.

[1] *C.P.R., 1330–34*, p. 383. Pardon, dated Dec. 30, 1332, to Mr. Richard of Bury, of accounts due when he was constable and receiver at Bordeaux from Feb. 19 to April 16, 19 Edward II. I have unluckily omitted him from my list of constables of Bordeaux in *Place of Edward II.*, p. 398. But John Travers was acting till Easter term, 1326; *I.R.* 218; and Aubert Mège was appointed on Mar. 12, 1326; *G.R.* No. 38, m. 5, 19 Edward II. It looks as if Bury, and after him Adam Limber, were regarded by Isabella and her friends as still in possession, though they were, in fact, in northern France with the court. Huggate and then Limber were successively keepers of the duke's wardrobe. This explains the otherwise unintelligible entry on *C.C.R., 1334–37*, p. 20.

[2] A minor problem connected with Bury is whether his proper designation was "magister" or "dominus." In view of his literary pretentions, and of Murimuth's contemptuous attitude towards them, the problem has some modest importance. In the writs he is sometimes called "magister," but his normal style was certainly "dominus," as, for instance, in *E.A.* 383/10, where his kinsman is carefully described as Mr. Simon de Bury. Some light may be suggested by two writs in *ib.* 383/12, where the exchequer is ordered to make two payments "Magistro R. de Bury." In the later writ of Jan. 2, 1333, the endorsement is "Magistro Ricardo de Bury," but the "magistro" is carefully scratched out. I am inclined to hazard the guess that Bury was not a graduate, but that he liked to be called one, and that clerks drafting writs were sometimes not unwilling to gratify his harmless vanity, though some precisians objected to the practice. His dilettante love of learning made him an unwearied though unscrupulous book buyer and collector, and inspired, though it is unlikely that he actually wrote, the *Philobiblon*. But, though we may not take Murimuth's account of his illiteracy too seriously, Bury was not in all probability a man of learning as much as a man of literary interests. So late as 1333 he received a papal indult of non-residence that he might study at a university for three years; *C. Pap. Reg. Let.* ii. 392. However, his bishopric put an end to any such scheme. A careful biography of Bury still needs to be written; Creighton's article in the *D.N.B.* is very unsatisfactory.

of the privy seal, he apparently became the special confidant of the king. Though controlled and perhaps overborne upon occasion by the masterful chancellor Burghersh,[1] he quietly bided his time, secretly inspiring Edward to revolt.

William Montague was Richard's chief colleague in this delicate business. His father, a Somersetshire magnate of the same name,[2] had, as steward of the household and seneschal of Gascony, been a prominent member of the Pembrokian party. On his death in 1320 the younger William became a ward of the king, and was appointed a yeoman of the royal household. By reason of his services in this office he received in 1321 seisin of his inheritance before attaining his majority.[3] He was continually employed on household service, and was already a royal banneret by June 1328.[4] In September 1329 he went with Bartholomew Burghersh on a mission to John XXII. at Avignon, and was there till the following February 1330.

The ostensible business of the embassy was to negotiate for a crusading tenth, and to pay the pope the arrears of the "tribute" due by reason of the surrender of king John to Innocent III. A more secret matter was entrusted to Montague. In this it is improbable that Burghersh with his compromising connections had any share.[5] Montague was to explain to the pope the humiliating position of the young king, compelled to put his seals on letters which were far from representing his personal views, and to ask for the pope's help to enable Edward to throw off the yoke. The pope seems to have been quite sympathetic. When Montague got back home in March or April 1330, he reported to the king that John XXII. wished to have some private sign by which he could distinguish between the requests which the king had "tenderly to heart" and those which were merely formal and official.[6] So a letter was drawn up, written by

[1] See above, pp. 16-17, and *Rot. Parl.* ii. 46.

[2] For William the elder see above, ii. 241-242, and *Place of Edward II.*, pp. 116-117, 126, 221, 354, 393, 395. He died before April 9, 1320, the date of the writ initiating his post-mortem inquest. William the younger is there described variously as 17 and 18 years of age; *Cal. Inq.* vii. 140-144.

[3] *C.F.R.* iii. 56.

[4] *E.A.* 383/10.

[5] The chancellor, Henry Burghersh, bishop of Lincoln, was, of course, Bartholomew's uncle.

[6] The curia had a long memory. In 1363 Urban V. told Edward III. that he would grant a request made, "as the pope sees by the king's *signum secretum* that he has the matter much at heart"; *C. Pap. Reg. Let.* iv. 3.

Richard of Bury's own hand, in which the pope was informed that all the requests sent to him under privy seal or signet, in which the words *pater sancte*, written by the king himself, appeared, would be those which Edward was really anxious to have executed, and a specimen of the king's own way of writing this address was appended. The whole matter was considered so confidential that the king thought it necessary to apologise for not writing the whole of the letter in autograph. He added that knowledge of this matter was confined to Montague and Bury, for whose discretion he pledged himself.[1]

The existence of a private means of communication between the pope and the young king is evidence that Edward now intended to assert himself. He may not, to begin with, have had any wide designs, but may simply have been interested in procuring ecclesiastical preferment for his clerks.[2] But machinery which could get prebends for Richard of Bury and his fellows could easily be extended to greater uses. Perhaps it was consciousness of this new weapon that kept the king quiet when his uncle Kent was done to death, and encouraged him to wait patiently until a new court party was quietly formed out of the younger men of the household. In this particular Edward had great difficulties to contend against, for the royal household was packed with Maltravers, Turplingtons, Wyards, and other agents of Mortimer. Bishop Burghersh, the chancellor, was entirely friendly to Mortimer and the queen; the very privy seal, of which Bury was the keeper, was constantly employed by Mortimer as

[1] This letter, recently discovered in the Vatican archives, is printed by Mr. C. G. Crump in *E.H.R.* xxvi. 331-332, with a facsimile of the words written in the king's rather boyish own hand. This is probably the first surviving autograph of an English sovereign. It is interesting that the sign was only to be given to letters of the privy seal and signet. Letters under the great seal were excluded. Bury, of course, as its keeper, controlled the privy seal. The king's signet, that is the secret seal, was the seal of the chamber and, therefore, directly under the king's personal control. Edward signed "E. Rex" a treaty with Castile in 1362: "scripturam, E. rex, manu domini regis propria factam," as John Brancaster, king's notary, attests; *Foedera*, iii. 657. This is an early instance of the sign-manual which became common under Richard II. For the earliest extant signature, "Richard," see *Chancery Warrants*, 1352, a signet letter of July 26, 1386.

[2] "Lauancement des gentz de nostre houstiel" is put with "nos busoignes propres" and "autres" among Edward's objects. He was at this period, and later, importuning the pope to promise to provide adequately for Richard of Bury. *Foedera*, ii. 804, a request of Dec. 1330, speaks of requests "litteris propria manu nostra scriptis" of earlier dates.

the instrument of his own policy.[1] Therefore the profound secrecy emphasised in the letter was an essential condition of success.

The fact that in February 1330 Isabella and Mortimer disgorged their custodies of Pontefract and of Glamorgan to increase the marriage portion of queen Philippa [2] may have been a sign of incipient weakness. But their easy triumph over Kent a month later showed that they were still powerful, though that event swelled the discontent against their domination. In August a well-contrived plot was set on foot by William Montague, who had gathered round him a band of young men,[3] and had both the good-will of the king and the support of Henry of Lancaster.

Notwithstanding the efforts to keep the secret, rumours of the conspiracy reached Mortimer's ears, and in a stormy scene before the great council, held at Nottingham castle, October 15–19,[4] the earl of March interrogated the king and the chief suspects. They denied all knowledge of such a development, whereupon Mortimer declared he could place no trust on the king's word. William Montague, the arch-schemer, alone showed courage when brought up for examination. He haughtily declared that he had done nothing contrary to his duty, and after the council had dispersed, told the king that it was better that they should eat the dog than that the dog should eat them.[5] On the night of October 19, Montague made his way with an armed force into the castle,[6] overpowered Mortimer and his adherents, and thus made Edward III. *de facto* king of England.

[1] *Rot. Parl.* ii. 52-53. See later, vol. v. ch. xvi.

[2] *C.P.R., 1327–30*, p. 501.

[3] *Scalacronica*, ed. J. Stevenson, p. 157, "Le roy embrasa couyne oue lez ioenes gentz entour luy a remuer cest gouernail et a destruyer le dit count." Murimuth, pp. 61-62. Knighton, i. 453.

[4] *C.C.R., 1330–33*, p. 153. At this date the difference between a great council and a parliament was still so small that this great council was summoned by writs of great seal addressed to all the magnates. It was to meet at Nottingham on Oct. 15. The writs of summons were dated Sept. 6. Murimuth (p. 61) and Avesbury (p. 285) call this meeting a "parliamentum."

[5] *Scalacronica*, p. 157, is substantially confirmed by *Rot. Parl.* ii. 53.

[6] Among Montague's fellow-workers were Robert Ufford; Edmund Bohun, who had been one of the faithful few who had surrendered with Edward II. at Neath (*Foedera*, ii. 647), but was already a prominent member of his son's court (*C.P.R., 1330–34*, p. 116); John Molyns (*C.P.R., 1330–34*, p. 110), then one of Montague's followers; and John Neville of Hornby (*Rot. Parl.* ii. 56). We may safely add to the list Thomas Garton, the keeper of the wardrobe, for, besides

Thus the rule of Mortimer and Isabella ended as it had begun. In 1326 an apparently solid government collapsed before the invasion of a few score of adventurers. In 1330 an equally well established administration succumbed, after a short scuffle in the dark, before a cleverly engineered palace intrigue. Each change was the more easily brought about because, in spite of the sullen acquiescence of the nation in years of misgovernment, the authority which controlled the state reposed upon so narrow a basis that the slightest of efforts sufficed to overturn it. While the Despensers and Mortimers showed equal greed and self-seeking, there was a real difference between the former period, fruitful in administrative and economic experiments, and the dull years of conservative reaction in which the Mortimer gang used the wrongs of the lords ordainers as the pretext for snatching a power they never would have attained on their own merits. The years 1326–30 are singularly barren in the history of administration, and in this respect stand in strongest contrast to the period 1322 to 1326. Yet, at its worst, there was in the reaction some evidence that the reforming spirit had not died. If the rasher experiments of the Despensers were abandoned, the solider reforms of Stapeldon and Melton were retained. Not even the selfish struggle for place and power, and the intrigues and commotions which accompanied it, prevented that continuance of administrative tradition, that carrying on of the daily work of the government, which preserved the English state in the days of both revolution and reaction.

---

his high office at court, he was a follower of Montague. Some of the conspirators lost their way, and the plan owed its success to Montague and Neville with twenty-four men-at-arms, who were let into the castle by the connivance of its constable, William Eland.

SECTION II

The First Eight Years of Edward III.'s Personal Rule, 1330–1338

On October 20, 1330, Edward III. made the first use of his liberty by proclaiming to his people that he had removed from his counsels those whose evil influence had misguided and impoverished both himself and his realm. Henceforth he was resolved to rule in accordance with right and reason, and intended that public affairs should be directed by the common counsel of the magnates.[1]

This promise foreshadowed the policy of the next eight years, and was an inevitable result of the coalition of old nobles and young courtiers which had brought about the fall of Mortimer. The king was to govern the land, but he was to govern it in accordance with the wishes of the aristocracy. In substance this was the ideal of the ordainers. It was easy to execute as long as king and nobles remained of one mind, but would a young, able, and energetic prince submit to have his will limited by the desires of the barons? Yet harmony between the king and the nobility was the first condition of tranquillity and sound government.

From the beginning there was little danger of discord between Edward and his magnates. They had suffered the same afflictions under Mortimer, and they rejoiced together at the defeat of their common enemy. The young king and his liberators were absorbed in jousts and tournaments, in which the conspirators of Nottingham bore themselves as gallant knights. Besides this community in sport, there were the feasting and the ceremonies of a gorgeous court. In all these relations the king was the centre of a brilliant circle of nobles, living with them on terms of social intimacy and almost equality, sharing with them the

[1] *Foedera*, ii. 799, "Nous voulons gouerner nostre people selonc droiture et reson . . . et que les bosoignes que nous touchent et l'estat de nostre roialme soient mesnez par commune conseil des grantz de nostre roiaume e nemie en autre manere."

generous ideals of the diffused aristocracy of knighthood, yet towering over them by his superior strength and valour, and by his more adequate representation of their common cause.

For nearly fifty years similarity of pleasures and sports, and the same standard of life and conduct, were real and permanent bonds between Edward III. and his baronage. There was no such incompatibility of temperament as that which had so early separated Edward of Carnarvon from the aristocracy he slighted and ignored. King and nobles respected each other because they understood each other so well, and had so much in common. The festivities consequent on the king's advent to power could not last for ever, but as time went on, there came other and more serious pursuits in which the king and magnates could equally share. Such was the attempt to restore the English supremacy over Scotland, which, beginning in an informal support of the filibustering "disinherited" nobles, driven from the northern kingdom by the triumph of Robert Bruce, soon became a frank effort to renew the policy of Edward I. of governing Scotland through a puppet vassal. This had hardly had time to fail before the great French war provided a still more congenial common military ambition. The conquest of France appealed to the highest and the lowest motives, the love of adventure and deeds of daring, the growing national self-consciousness and the greed for plunder. Because of this union in a great endeavour the latent antagonism between the crown and the baronage had for many years little opportunity or reason to become an active force. All through the reign there was much to do in which king and nobles could co-operate with a good heart, so that there was little or nothing of the fierce and rancorous antagonism of crown and aristocracy which had marked the reign of Edward II.

To a friendly foreign observer, Edward of Windsor, up to full middle life, was the ideal king of chivalry. John le Bel, the aristocratic canon of Liége, had no national sympathy with the English cause. Yet he made the "noble king Edward" the hero of his history, and contrasts his magnanimity and splendour with the weakness and pusillanimity of his rival, Philip of France. In particular the chronicler stresses the love and honour shown by Edward to his "men," the knights and squires whom he rewarded "each according to his estate," transacting his business in

accordance with their wise counsel. On the other hand, king Philip always followed the "poor counsel" of clerks and prelates, and not that of the "lords and barons of his land, many of whom he cruelly put to death on suspicion of treason." Therefore John calls Edward "the noble king," for he acted like a nobleman, keeping on good terms with his barons, unlike the timid and reserved Philip of France.[1]

At all times Edward drew a large proportion of his lay following from the old and new nobles of the land. He never fell into his father's fault of keeping the higher baronage at a distance, but on the contrary showed considerable skill in his treatment of them. He was willing to forgive and forget, and displayed a liberality in granting favours and franchises which was quite opposed to the traditions of centralised monarchy. Even the house of Mortimer was not eclipsed for long. To the traitor's son were soon restored Wigmore and other portions of the family estate, and his grandson was ultimately allowed to resume the earldom. The king always maintained friendly relations with his kinsmen of the house of Lancaster, and the house of Bohun recovered from the depression into which the policy of Edward I. and Edward II. had thrown it. Some Bohuns took a share in the Nottingham adventure, and a few years later William Bohun, the ablest of his house, stood out as one of the most loyal and resourceful of Edward III.'s generals. Never since the intimacy between Edward I. and Henry Lacy had there been such cordiality or co-operation between the reigning king and the leaders of the great families. The sullen aloofness of such families was a thing of the past, even before foreign war became an all engrossing occupation.

No doubt Edward's policy, strongly recommended to him by John XXII., of covering up his mother's shame, did much to make relations pleasant and easy.[2] Isabella came out well from her failure. Although she renounced the greater part of her swollen dower, she kept possession of an ample revenue of £3000 a year. Henceforth somewhat apart from politics, she yet retained the dignified position of queen mother,[3] upheld her estates as a sort of

[1] Jean le Bel, *Chronique*, ii. 65-67, ed. Viard et Déprez, Soc. de l'hist. de France.

[2] See for instance *Cal. Pap. Reg. Let.* ii. 498-499.

[3] "Regina mater," she is sometimes called, for instance in *E.A.* 392/4.

franchise and employed a large household staff to govern them, kept great state at her castle of Hertford, which seems to have been the centre of her administration, and was treated with scrupulous respect by her son, who constantly exchanged letters and visits with her.

It was probably in Isabella's interest that Edward showed an extreme remissness in dealing with the reputed murderers of his father. Of these Maurice of Berkeley soon obtained favour and restitution; and Maltravers was allowed to escape to the continent, whence he came back fifteen years later with full pardon and some measure of royal patronage. The subordinate agents alone remained unforgiven, but death or exile soon ended their careers. Mortimer himself had not been altogether implacable, but the generosity or prudence which left Lancaster free to act, even after the humiliation at Bedford, was bettered by the king's lenient treatment of the less conspicuous and less guilty supporters of the earl of March. So close an ally of the traitor as Oliver Ingham was at once forgiven and restored to his estates.[1] The two bishops, apprehended on October 19 at Nottingham in Isabella's company, were both lightly punished. One was Wyvill, her favourite clerk and "secretary,"[2] for whom the queen's favour had recently procured a provision to the bishopric of Salisbury,[3] and the other was the chancellor, Henry Burghersh of Lincoln. Wyvill was permitted to retire to his bishopric, and Burghersh, though removed from the chancery five weeks later,[4] was within a very few years restored to a

[1] The reason assigned was his good service in Aquitaine; *C.P.R., 1330–34*, p. 22.

[2] Secretary may be used in the official sense with regard to Wyvill, for under Edward II. Isabella had already a "secretarius." *E.A.* 375/9 records in 1313-14 payments to J. de Giffard, "clericus pro literis regine." In *ib.* 376/7 f.92d (8 Ed. II.) he is called "secretarius domine regine."

[3] He was keeper of the privy seal of Edward as duke; see above, p. 2. He is still called queen Isabella's secretary on July 14, 1327; *C. Pap. Reg. Let.* ii. 261. Another papal letter of the same date calls Wodehouse the king's secretary (*ib.* p. 201), when we know that he was keeper of the wardrobe. Murimuth, p. 60, describes Wyvill in 1330 as "qui scripsit speciales litteras reginae," when he was appointed bishop of Salisbury, though he thinks that, had the pope seen him, he would never have been given a bishopric, "viro utique illiterato et minime personato."

[4] On Oct. 29 Burghersh had new grants in his favour; *C.P.R., 1330–34*, p. 16. On Nov. 16 John XXII. earnestly besought John Stratford to "interpose in the whirlwind excited in the realm touching the bishop of Lincoln, and to

considerable measure of favour. His nephew, Bartholomew Burghersh, remained in office as warden of the Cinque Ports for nearly two months after the Nottingham incident. Even Orleton was forgiven,[1] though fresh excesses in his greedy pursuit of promotion made it hard for his offences to be forgotten.

We find more changes resulting from the fall of Mortimer than from that of Edward II. As in 1327, special pains were taken to secure "suitable" sheriffs, and the king and council agreed "that all the sheriffs of England should be changed and none of them put back to office."[2] There were many alterations also in the custody of castles and franchises. Some changes, however, had no great political significance, as for instance the curious transferences of the judges of the two benches.[3] Bishop Burghersh remained at the chancery for more than a month after his patron's fall, but this gave him the unpleasant position of accepting responsibility for the mock trial and cruel execution of the traitor. The selection, on November 28, of John Stratford as Burghersh's successor gave to the Lancastrians the highest position in the state, and was the most significant of the new appointments. Room was found in the lesser offices for other Lancastrians, such as, for example, William Trussell. He had remained faithful to Lancaster until after the Bedford riding, when he was reconciled to Mortimer in the Winchester parliament and pardoned at its request.[4] Within three months of the fall of

---

check those who are sharpening their tongues against him"; *C. Pap. Reg. Let.* ii. 499. Edward clearly took the pope's advice. Burghersh was treasurer from 1334 to 1337, and pre-eminent till his death in 1340 as a director of Edward's diplomatic policy in the Netherlands.

[1] Orleton was sent on an embassy to France on Jan. 16, 1331; *Foedera*, ii. 805.

[2] *Rot. Parl.* ii. 60. Mr. Gibson has shown that this provision was carried out. On Dec. 5, 17 new sheriffs were appointed to 25 shires, while only one old sheriff, Roger Chandos of Hereford, was confirmed in his old post; *C.F.R.* iv. 199-200. Moreover, on Jan. 15, 1331, two more new sheriffs were assigned to three more shires; *ib.* p. 200.

[3] The civilian king's clerk, John of Shoreditch, was appointed chirographer of the common bench in place of Mortimer's old steward, Richard of Hawkslow, removed by parliament; *C.P.R., 1330–34*, p. 36, but Hawkslow was again employed on certain affairs of the king's in April 1331; *C.C.R., 1330–33*, p. 301. Shoreditch soon renounced his clergy and was knighted at the king's command. He was allowed to continue chirographer; *ib.* p. 398.

[4] *C.P.R., 1327–30*, p. 500. The pardon was "by king and council in parliament." But it is annotated: "vacatur quia non habuit cartam."

Mortimer, however, Trussell was back at his old post of escheator south of Trent.[1] The Lancastrian note was sounded in the solemn declaration that his reappointment was "by the king with the assent of the prelates, earls, barons and others of the king's council in parliament and by privy seal."

On the day Stratford was made chancellor, archbishop Melton of York became treasurer for the second time, but a tenure of no more than two months' duration gave him little opportunity of doing much work at the exchequer. Probably Melton came back as one of the last partisans of Edward II. rather than as the completer of Stapeldon's policy of exchequer reform, and it is likely that, as in 1326, he soon made his spiritual cares an excuse for abandoning his office. Anyhow his influence was not so much political as it was personal, for this prelate, whom not even a court could corrupt, still stood for the best traditions of administration and efficiency. As the secret organiser of the second revolution, Richard Bury naturally retained his keepership of the privy seal. He remained in such high favour that within five years he became bishop of Durham, treasurer of the exchequer, and chancellor. The unimportant wardrobe officials went on as before. After Turplington's violent death at Nottingham there had to be a new steward. Not unnaturally he was found among Edward's personal helpers in Ralph Neville of Raby, one of whose kinsfolk had been a leader in the attack on Nottingham castle.[2]

The group of young courtiers and nobles who had personally worked for the emancipation of the king, obtained the larger share of royal favours. The three most conspicuous of them were, within seven years, rewarded with earldoms. Edward's habit of balancing forbade him to take this decisive step without compensating the older aristocracy. Thus, side by side with the three courtiers, three members of ancient families were raised to the same dignity. Other kings had called upon the lesser aristocracy for help against the magnates. The subtler policy of Edward III. almost fused into unity the court and the baronial

[1] *C.F.R.* iv. 222. This was on Jan. 17, 1331.

[2] *Scalacronica*, ed. J. Stevenson, p. 157, makes John Neville run Turplington through the body and slay him. Ralph Neville was also made, on July 18, 1331, keeper of the forest north of Trent; *C.F.R.* iv. 268, and he was already acting as steward of the household on Oct. 25, 1330; *Ch. R., 4 Edw. III.*, No. 32.

parties. The glory of the reigning house was also further enhanced by the importation into England for the first time of the foreign title of duke, the king's eldest son, Edward earl of Chester, being made duke of Cornwall. These seven creations were made with great ceremony at the Westminster parliament of March 1337.[1]

First among the courtier-earls came William Montague. "For a long time," wrote a northern chronicler, "the king acted on the advice of William of Montague, who always encouraged him to excellence, honour and love of arms: and so they led their young lives in pleasant fashion, until there came a more serious time with more serious matters." [2] Montague received enormous grants from Mortimer's forfeited lands, the ancient Lacy lordship of Denbigh, and large estates in Somerset and Dorset. He was the king's companion, not only in tournaments and other sports, but in such romantic enterprises as the hurried journey beyond sea in 1331, when the king and his friend, disguised as merchants, and with a very meagre following, visited France to perform homage.[3] Montague's clerk, Thomas Garton, became controller and then keeper of the king's wardrobe, and his brother Simon became bishop of Salisbury. Finally in 1337 the king revived the earldom of Salisbury in Montague's favour.

One of Montague's chief associates was William Clinton. He succeeded Ingham as justice of Chester,[4] and Bartholomew Burghersh as constable of Dover and warden of the Cinque ports.[5] Robert Ufford, another of them, was made keeper of the forest south of Trent in succession to John Maltravers.[6] He also held the stewardship of the household from March 1336 to March 1337.[7] Now Clinton was made earl of Huntingdon and

[1] See later, pp. 62-63. [2] *Scalacronica*, p. 158; tr. Maxwell, pp. 87-88.

[3] The journey was not so secret as chroniclers, for instance Murimuth, p. 63, suggest. Edward appointed John of Eltham keeper of the realm, and left the great seal with Robert Stratford, the chancellor's brother, taking the chancellor and privy seal with him. See Déprez, pp. 74-75, and *Foedera*, ii. 814-815.

[4] He was already acting on Oct. 23, 1330; *C.F.R.* iv. 193. His chamberlain after Dec. 25 was John Paynel; *ib.* p. 207. Paynel had previously served in this office. See above, p. 25, n. 2.

[5] Appointed on Dec. 14; *C.F.R.* iv. 204.

[6] Appointed on Dec. 16; *ib.* p. 206.

[7] He first attested a charter as steward on Mar. 5, 1336 (*Ch. R. 10 Edw. III.*, No. 41), and continued to do so until Mar. 24, 1337; *ib. 2 Edw. III.*, Nos. 56 and 61. He was made earl of Suffolk on Mar. 16, so that there was an apparent overlap of a few days. But the attestations to charters must not be pressed too far for exact dates, though approximately they are of real value. Cases in which

Ufford earl of Suffolk.[1] Such promotion raised them above the position of mere courtiers into the still rigidly guarded higher grade of nobility. When a courtier baron became an earl, there was even greater danger of his drifting into the normal attitude of his class of distrust to the crown, than there was of the household clerk, promoted to a bishopric, becoming a supporter of the constitutional tradition. One very practical step taken by Edward to strengthen the chain of gratitude binding the new earls to their benefactor's throne, was his endowment of them in a measure exceeding that usual on such promotions. Montague's grants have already been mentioned. To Ufford and Clinton an annual revenue of 1000 marks, or its landed equivalent, was given "for their better support in the dignity of an earl." [2] As the earldoms had been conferred in parliament, so were the patents of gift warranted by king and council in full parliament.[3]

The most important of the new appointments made from the old baronage, was in favour of the house of Lancaster. The Lancastrians had been so essential an element in Edward's triumph that of necessity they had to have a fair share of power

---

a charter before sealing was read before the witnesses occurred, but were probably exceptional; see Sir H. Maxwell Lyte's *Notes on the Use of the Great Seal*, pp. 235-237. The date of a charter depended at this period on the time when the engrossment, based on an undated draft, was drawn up. The engrossment is dated, but the draft is not. Mr. C. G. Crump, to whom I am indebted for this information, believes that the date and witnesses were on a slip attached to the draft. There was normally, however, no reason why the witnesses should have been with the king when he issued his formal instructions to chancery for the preparation of the charter. Accordingly, the evidence of attestation is not conclusive as to the precise dates of the entry into office of a steward or any other minister. Yet without the help of the attestations by stewards it would be hard to make a good list of those officials. This is one reason why it is regrettable that the published calendar of charter rolls has suppressed the witnesses. I have, however, to express my thanks to the authorities of the Public Record Office for being allowed to use a manuscript calendar of witnesses to charters of the reign of Edward III. In drawing up the list of stewards, it has saved me the weary labour of personally consulting the original charter rolls.

[1] Ufford's wife was Margaret, daughter of Sir Walter Norwich. Through her Norwich's estates passed ultimately into the hands of the earls of Suffolk. See above, p. 8, n. 2.

[2] *C.P.R., 1334–38*, pp. 415, 418, 426-427.

[3] *Ib.* pp. 415, 418. On the other hand, the grant to the court noble, Henry Ferrars, for "continually dwelling by the king's side," though made "with the assent of parliament," is simply warranted "per regem"; *ib.* pp. 418-419. The earls were more clearly public officers than were the king's bannerets.

and reward. Earl Henry of Lancaster's career was over. He had gradually grown blind, and his whole-hearted rejoicing in the fall of Mortimer was his last participation in active politics. But his son, Henry of Grosmont, stepped energetically into his father's place, and his position was now recognised by his being made earl of Derby. William Bohun, now made earl of Northampton, owed his new honour to his position as virtual head of his house.[1] His influence became the greater by reason of his exceptional ability as a general. The friendliness of these two earls with the king stood in strong contrast to the traditional relation of their houses to the monarchy. Edward had his reward for his broadmindedness, not only in the cessation of baronial opposition, but in the ultimate incorporation of the estates and dignities of both Lancaster and Hereford with those of the crown. The sixth earldom fell to Hugh Audley, the husband of Gaveston's widow, Margaret of Clare. Audley, after escaping the many perils of a Lancastrian contrariant, ended his life in the enjoyment of the dignity of earl of Gloucester, refused to his brother-in-law, Hugh Despenser, in the plenitude of his power. To the baronial as to the courtier earls, the royal bounty bestowed equally concrete rewards. Derby was to have 1000 marks a year from the customs so long as his father remained alive; Northampton received £1000 a year, to be reduced to £500 if he should succeed to the hereditary Bohun earldom of Hereford. Gloucester was better endowed than these two younger sons, but he also received additional grants, including his wife's hereditary sheriffdom of Rutland for his life as well as hers.[2]

Similar marks of royal favour were extended in every direction. Hereditary offices and jurisdictions were scattered in a way hardly compatible either with the interests of the crown, or with sound finance.[3] Thus Richard Fitzalan, earl of Arundel, son of the

[1] Of the large family of the earl Humphrey slain at Boroughbridge, the two eldest sons, earl John (d. 1335) and carl Humphrey (d. 1361), had bad health and little influence. Edward, the next son, one of the leaders at Nottingham on Oct. 19, was drowned in the Scottish March in 1334. These misfortunes gave William, a younger son, his chance. His son Humphrey succeeded his childless uncle in 1361, and was the last Bohun earl of Hereford.

[2] *C.P.R., 1334–38*, pp. 400, 414, 416-417.

[3] In 1340, after Edward's quarrel with archbishop Stratford, the king reproached the primate with having advised him to adopt this policy of largesse, which had resulted in the serious impoverishment of the crown. See in the

martyr to Edward II.'s cause, and justice of north Wales since 1334, was made justice for life in March 1337, at the very moment of the grants to the six new earls.[1] The grant of the life sheriffdom of Merioneth to Walter Manny in 1332, of that of Anglesey to William Trussell in 1334, and of that of Carnarvon, first to Thomas Ace in 1329 and then to Arundel himself in 1339, are other instances of the levity shown in the erection of new self-sufficing jurisdictions.[2] In 1341 Manny was further granted all the king's lands within his shire, with almost regal powers, no minister of the king other than Manny and his deputies being allowed to meddle with anything within the shire.[3] Nor were such grants limited to one district. In England itself similar concessions were lavished. For instance, Arundel received in 1337 the sheriff's tourn and liberties so extensive in his rapes of Arundel and Chichester, that he set up a new court, called the "shire court," at Arundel, a withdrawal of the western rapes from Sussex which provoked the remonstrances of the Good Parliament forty years later.[4] Again, in 1344, Thomas Beauchamp, earl of Warwick, hereditary sheriff of Worcestershire, was made sheriff for life of Warwickshire and Leicestershire.[5]

The policy of balancing parties was pursued in the official appointments of the first few years of Edward III.'s personal rule. Since in the fourteenth century earls were too dignified to be ministers, the Lancastrian element in the country made its influence felt through the authority given to Lancastrian prelates.

John Stratford, the Lancastrian leader, had now fully come into his own. Whether in or out of high office, he was for the

---

"libellus famosus" the charge "nempe eius improuido consilio et suasu, in minore etate constituti, tot donationes prodigas et alienationes prohibitas, ac gratias fecimus excessiuas, quod per eas aerarium nostrum totaliter est exhaustum et fiscales redditus sunt enormiter diminuti"; *Foedera*, ii. 1148. There is no doubt of the bad effect of this policy, but the charge of the angry king must not make us assign to Stratford and his friends the chief responsibility. For another contemporary criticism of Edward's policy, see *Scalaconica*, ed. J. Stevenson, p. 167: "As queux countis et autres ses bon gentz le roy departy sy largement de sez possessions qe apain reteint il rien deuers ly de terres apurtenauntz a sa coroune, mais ly couenoit viure de sureuenous et subsides a graunt charge du poeple."

[1] *C.P.R.*, *1334–38*, p. 415, cf. p. 406.

[2] *C.F.R.* iv. 148, 232, 340, 420; v. 59, 140. Ace was a "king's yeoman."

[3] *C.P.R.*, *1340–43*, p. 304.

[4] *C.Ch.R.* iv. 402; *Rot. Parl.* ii. 348.

[5] *C.F.R.* v. 378. See below, p. 188.

next ten years the dominating personality of the state, and for the greater part of the time almost without a rival. Though he was a lawyer and a politician, and had won his bishopric by despicable trickery, he was nearly as powerful in the ecclesiastical as in the political world. When Meopham died in 1333, pope, king and chapter agreed that Stratford was the only possible archbishop of Canterbury. A tribe of kinsmen soon strengthened his position. The son of a leading burgess of Stratford-on-Avon, whose benefactions to that town were already considerable, John found in the service of church and state positions for brothers, nephews and cousins. Four Stratfords, at least, followed closely on his footsteps by becoming, after successful academic careers, king's clerks. His brother Robert was the most eminent of these. A distinguished Oxford doctor, he was brought into the chancery by his brother. He was constantly keeper of the great seal during his brother's frequent absences, and fraternal favour made him archdeacon of Canterbury. He was chancellor of the exchequer from 1331 to 1334.[1] The most interesting event in Robert's progress is that the university of Oxford made him its chancellor when he had long ceased to be resident, and obtained the king's permission to retain him in office, even after he had been made, in 1337, bishop of Chichester.[2] He was thus the first non-resident magnate chancellor of an English university, while in the administrative sphere he was in turn chancellor of the exchequer and chancellor of England. Ralph Stratford, probably their nephew,[3] rose, early in 1340, to be bishop of London, while

[1] *C.P.R., 1330–34*, p. 184. He was appointed on Oct. 16.

[2] Robert was acting as chancellor of Oxford on June 6 and 8, 1335; *Collectanea*, i. 14 (Ox. Hist. Soc.), *C.P.R., 1334–38*, p. 119. As May was the usual time for the chancellor's election at Oxford (*Munimenta Academica*, i. 106, R.S.), we may assume that he entered office at that date. He was still chancellor of Oxford on July 28, 1338; *C.P.R., 1338–40*, p. 118. William Skelton had succeeded him before Oct. 28, 1340; Salter, *Med. Archives of Univ. Oxford*, i. 286 (Ox. Hist. Soc.). See for Robert's acts as chancellor, *Collectanea*, i. 14-16 and 31-35. His chief feat was to put down through royal pressure the "studium adulterinum" at Stamford. In 1333 the chancellor was ordered to vacate his office if absent for a month in term time; *Mun. Acad.* i. 127.

[3] "Consanguineus archiepiscopi" is as far as *Ann. Paul.*, p. 369, go. He is said in William Dene's *Hist. Roffensis* to have been the archbishop's nephew; *Anglia Sacra*, i. 374. He is also described as the son of the sister of John and Robert, and called Ralph Hatton of Stratford. He was M.A. and B.C.L. before 1336; *C. Pap. Reg. Let.* ii. 534.

Henry Stratford, their cousin,[1] was by that date one of the more important clerks of chancery. Another John Stratford, controller of the great roll of the exchequer in 1331,[2] may well have belonged to the same family. Working well together, both in politics and in benefactions to their native town, the Stratfords formed a solid backing for the primate.

In examining the ministerial history of Edward III.'s early rule, it will be well to avoid repetition later by carrying on the story for a couple of years further than is properly covered in this section. If in administration and politics the best dividing line is 1338, the natural break in the personal history of the reign is rather to be found in the crisis of November 1340. Assuming this point of view, we must note that between 1330 and 1340 John Stratford was chancellor three times, covering in all nearly six years, while Robert twice succeeded him for a period of office amounting to more than a year and a half,[3] besides often acting as his substitute when he was unable personally to do his work. With the Stratford family in possession of chancery, Lancastrian or baronial influence prevailed for

[1] "Cosyn l'erchevesqe"; *French Chron. London*, pp. 84, 85 (Camd. Soc.). He was one of the "clerici cancellariae majores"; Murimuth, p. 117.

[2] John Stratford entered this office on Sept. 29, 1331, but his successor was appointed on April 28, 1332. Another kinsman may well have been Robert of Stratford, chaplain of the "house of converts," who was granted sustenance for his declining years in 1346; *C.P.R., 1345–48*, p. 68. He died before May 14, 1347; *C.P.R., 1345–48*, p. 539. We must withstand the temptation to suggest that another "master" John Stratford, king's yeoman, whose office was that of the king's cook, was of this clan. He received pensions from various monasteries in 1342–43, and died before May 14, 1347; *C.P.R., 1345–48*, p. 539. To the confusion of historians, John Stratfords superabounded at this period, and the great John Stratford's connections with Worcester priory, the cathedral of his native diocese, make it difficult for the local historian to resist identifying him with a Worcester monk of the same names who flourished between 1300 and 1320, and, like the other John, represented the convent on various occasions. This John may have been a member of the same family, but all people called Stratford were not necessarily related, nor all *John* Stratfords the same person. See for him, J. M. Wilson, *Liber Albus of Worcester Priory*, especially pp. lxxii.-lxxiii. (Worcest. Hist., Soc. 1919). Of course the archbishop could not possibly have been a monk.

[3] The exact dates of John Stratford's period as chancellor are (i.) Nov. 28, 1330 to Sept. 28, 1334, when he resigned soon after becoming enthroned as archbishop; (ii.) June 6, 1335 to March 24, 1337, when he was succeeded by Robert Stratford; and (iii.) April 28, to June 20, 1340. Robert was chancellor (i.) March 24, 1337 to July 6, 1338; (ii.) June 20 to Dec. 14, 1340. The situation was further complicated by the special arrangements for sealing during the king's absences abroad. See later, Appendix of Officers in vol. v.

practically ten years in the highest administrative office. The only real breaks in the Stratford ascendency were the short chancellorships of the two curialists, Bury and Bentworth. Richard Bury, now bishop of Durham, served for eight months only,[1] and Richard Bentworth, bishop of London, acted during 1338 and 1339,[2] when the war had immensely strengthened the forces of the court party, and Lancastrian power was seriously, though for the moment unsuccessfully, assailed. The Stratfords' long control of chancery enabled them to establish their friends and kinsfolk in the chief posts of the office. Among these we must include Henry Cliff, keeper of the rolls, although he was nearly at the end of his career. Infirm in 1332, and unable to travel, he died within a year.[3] His successors, Michael Wath, Henry Edwinstow, Thomas Bamburgh and John Saint-Pol, were, with Henry Stratford, some of the most conspicuous chancery clerks. Another such was Mr. John Thoresby, already in 1333 "constantly attendant on the king's business," [4] and in 1336 praised for his services in chancery and in the office of notary.[5] Of Thoresby we shall hear more later.

In contrast to the stability of the chancery are the changes in the control of the exchequer during the same ten years. Nine different individuals served as treasurers, compared with four serving as chancellors.[6] The longest tenures were those of bishop Burghersh, for two years and eight months, and of Robert Ayleston, for one year and ten months. Both men were members of the court party. Burghersh was indeed its leader, but Ayleston was an official of no great personal distinction. The other treasurers belonged more or less to the same party. Archbishop Melton inclined only moderately to it; bishops Airmyn and Bury

[1] Chancellor in succession to John Stratford, from Sept. 28, 1334, to June 6, 1335.

[2] Chancellor from July 6, 1338, to his death on Dec. 8, 1339.

[3] *C.C.R., 1330–33*, p. 551, shows that he was, in April 1332, lodging in the domus conversorum and sealing writs in the chapel. He was able to get to York before the end of the year; *ib.* p. 619. He died in office before Jan. 20, 1334, when Michael Wath was appointed keeper of the chancery rolls; *C.C.R., 1333–37*, p. 295. On Feb. 3, 1334, Cliff's executors were ordered to deliver the rolls to Wath; *ib.* p. 143. By April 1337 Wath had been succeeded by John of Saint-Pol; *ib., 1337–39*, p. 130.

[4] *C.P.R., 1330–34*, p. 471.

[5] *Ib., 1334–38*, p. 329.

[6] For the precise dates of these treasurers, see the appropriate list in the Appendix of Officers in vol. v.

much more decidedly; and Zouch, at this stage, as clearly, though later he modified his standpoint into conformity with that of the baronial class into which he had been born. With that change of opinion, Zouch's experience in the exchequer in his two periods of service there, may have had something to do. The veteran Wodehouse, a permanent official in a very literal sense, had been sufficiently compromised by holding the treasury under the Mortimer *régime* to make it advisable for him, in 1330, to accept the comparatively humble post of chancellor of the exchequer. From this, after ten months, he was removed in favour of Robert Stratford. There then followed for him a cessation of all official work for seven years, a break without precedent in a career going back to the reign of Edward I.[1] His second treasurership witnessed the outbreak of active hostilities with France. This, with its inevitable financial strain, and the immediate recrudescence of party feeling which followed, accounts for the fact that he now served for ten months only. It also explains the seventeen months of Zouch, his successor, the less than two months of Sadington who replaced Zouch, and the six months of Roger Northburgh who followed Sadington. The brief tenure of the lay treasurer Sadington is interesting, because it in some sort prepared the way for the anti-clerical movement of the end of the year. Northburgh's "almost continuous labours since Michaelmas 1339 for the benefit of the king and the quiet of his realm," were strongly dwelt upon by his master,[2] but Northburgh could not rule the storm, and his political career came to an end soon after the crisis of November 1340. It is noteworthy too, that while between 1328 and 1337, appointments to the treasury had been invariably warranted "by the king," that is to say, by a personal act of prerogative, the appointments between 1337 and 1340 were all warranted "by king and council."[3] Yet the terms of office of these "constitutional" ministers were, as we have seen, among the shortest of all.

[1] See above, ii. 271-272, for Wodehouse's uninterrupted record as an official from 1306 to 1327; and above, pp. 6, 17, for his equally continuous service, 1327 to 1330. His life, besides illustrating the permanency of the fourteenth century civil service, shows how subordinate posts in it were a natural avenue to the highest offices of state.

[2] *C.C.R., 1339–41*, p. 428. An order of July 6, 1340, to the exchequer to pay him £200 in recognition of these services.

[3] Northburgh's appointment on June 21, 1340, is the only one warranted "per regem" before the crisis of 1340.

Under normal conditions the treasurer was supposed to be constantly at the exchequer. A deputy treasurer was called into being because of Zouch's many absences from Westminster in 1337 and 1338. Such a deputy was chosen neither from barons of the exchequer nor exclusively from exchequer clerks. John Charnels, king's clerk, does not seem to have had anything at all to do with the exchequer until he began to serve there as deputy for Zouch, though he had in 1337 been given the important post of receiver of moneys arising from export of wool to Flanders.[1] His colleague as deputy, John Thorp, previously a subordinate clerk in the great wardrobe, obtained exchequer office when he became treasurer's clerk in the receipt, at Easter 1337.[2] These two also acted for Wodehouse until at least April 1340. The appointment of Sadington as deputy to Zouch, who was beyond seas, on June 25, 1339, by patent issued in Brabant, suggests an attempt on the part of the king and his advisers abroad, to check the presumption of the officials in England.[3] Sadington was at the time chief baron of the exchequer, and his deputy-treasurership recalls the custom of Edward II.'s reign, which made the chief baron the normal *locum tenens* of a treasurer unable to fulfil his duty in person. It may be significant that the same patent appointed Richard Ferriby, a wardrobe clerk since Edward II.'s reign, as a second deputy to act with Sadington.

The class of official appointed to the deputy treasurership and the frequent changes in the treasurership itself, must not be ascribed entirely to an unseen political conflict, though it is difficult to resist the conclusion that after 1337 there was something of this kind underlying the vicissitudes of office. Some of the short-lived treasurers, however, were called away naturally to other posts, especially to diplomatic work abroad. The fact

[1] For John Charnels see *C.C.R., 1337–39*, pp. 60, 79, 80-81, 90, 95-99, 190; *C.P.R., 1334–38*, pp. 498, 521, 542. He was "late receiver" in Jan. 1340; *ib., 1338–40*, p. 407. Though king's clerk on July 30, 1337, he was, so late as Jan. 1338, called clerk to bishop Burghersh; *C.C.R., 1337–39*, pp. 95, 228. In 1344 he became keeper of the great wardrobe. See later, p. 67, n. 1.

[2] Thorp was a subordinate of the various keepers or clerks of the great wardrobe from 1334 to 1338, with special charge of providing carriage for goods bought by the great wardrobe; *C.P.R., 1334–38*, pp. 1, 76, 116, 191, 244, 320, 425, 559; *ib., 1338–40*, p. 48. On Aug. 28, 1339, he was made writer of the tallies, *ib.* p. 392.

[3] *C.P.R., 1338–40*, p. 387. See also above, p. 44.

that they were nearly all men of courtier antecedents suggests that importance was laid upon keeping the exchequer in safe hands, though the individual servants of the crown were not strong enough to maintain themselves in office for long. Yet, however often appointments were made, new men were seldom introduced. It was rather a ringing of the changes on a few well-tuned official bells, and in such circumstances sweeping generalisations must be made with caution.

Counter-balancing the coming and going of the chiefs is the continuity of service of the other exchequer officials, whose tenure of office was only determined by retirement, death or promotion. This continuity is quite as remarkable as that in the chancery. Perhaps it was an indication of the rising tide of lay officials that the chief barons of the exchequer were now almost invariably knights. When Sir Walter Norwich's long connection with the treasury ceased with his death in 1329, his three successors, John Stonor, Henry Scrope, and Robert Sadington, were knights like himself. Indeed the only clerk who rose to be chief baron in the reign of Edward III. was Gervase Wilford, who first became a baron in 1341, after serving in the exchequer in a humbler capacity from at least as early as 1327. But whether clerk or layman, there was no question here of politics; the significance is rather social. The official's concern was then as now to do what his superior told him to do. His ultimate superior was, of course, the king, but it made all the difference in the world whether king meant a monarch inspired by a council of barons, or a monarch acting through the agency of his household knights and clerks.

The great problem for Edward III. was how to make himself a real king. His superabundant energy inclined him to take short cuts to this as to any other goal at which he aimed, and it has never been properly recognised how astutely his intimate advisers dealt with the situation. They cleverly managed to reconstitute the court party of Edward II.'s reign without any visible breach with the stubborn bishops and barons whom tradition regarded as the natural counsellors of the crown. Before the French war became serious, there had been a discreet revival of the machinery which had been thrown aside by the men of 1326 and 1330. The details of these processes must be considered

later. Our business here is to suggest only the general outlines of the policy and its broad results on administration and politics.

The aim of Edward III. quickly became the full restoration to the crown of the power which his father had claimed between 1322 and 1326. The difficulty was that any step in that direction would bring Edward into conflict with the Lancastrian tradition of the ordainers. Accordingly he had to walk warily, feeling his way as he went. Though wholesale adoption of Despenserian reforms would have meant a breach with the Stratfords and their following, it is remarkable how little by little the tendency towards such a consummation became more pronounced, and what trifling opposition was shown. Administrative efficiency and a straightening out of past confusion involved a certain amount of active reform to which no one could object, and after 1330 the work of clearing up the disorders, brought about by the pretentious anarchy of Edward II.'s later years, was continued with energy and success.

The tenacity of the exchequer in upholding its established order was a guarantee against radical reform from within. Yet the completion of long-deferred tasks, and the quiet initiation of some changes, suggest that the worst defects of the exchequer system were remedied. Miss Mills tells me that the Stapeldon-Melton reforms in the pipe rolls were adopted by 1340, and ancient debts were removed from the estreat roll and were enrolled separately. By the end of 1334 the exchequer had finished the process, begun before 1330, of auditing the arrears of wardrobe, chamber and other "foreign accounts." [1] This work was facilitated by the fact that the special department for the audit of foreign accounts now occupied independent premises, adjacent to the other exchequer buildings.[2] The number of auditors of these accounts, raised in 1323 to eight and again augmented in 1326,[3] was in 1334 reduced to the original number of four.[4] Up to about the same date the ordaining tradition that

[1] Above, ii. 128, 278-281; and below, iv. 90-94, 232-235; and *Place of Edw. II.*, p. 203.

[2] See above, pp. 19-20 and n. 3.

[3] *E.H.R.* xxxviii. 65, 67-68; xxxix. 482.

[4] This is Dr. Broome's conclusion in her unpublished Ph.D. thesis. She shows that, after this, there were, for the rest of Edward's III.'s reign, rarely more than four or five such auditors in office at the same time.

household supplies should come directly from the exchequer had also been respected,[1] but foreign wars then compelled extraordinary measures. About the same time the assignment of lands to the chamber was revived.[2] The standardisation of the subsidies was, as Professor Willard has demonstrated, also completed by 1334.[3] The sum each borough, township or other unit of taxation was assigned to pay, henceforth remained rigidly at the figure at which each community was assessed in that year. Accordingly the subsidies were no longer expansible, but rather, by reason of exemptions inevitably made as matters of favour, tended, if anything, to yield a smaller instead of a larger gross amount. Thus, one possible source of increased revenue was cut off, just before another war made fresh calls upon the nation.

Somewhat earlier there had developed a curious tendency to set up local "exchequers" in the north of England. These may have been a natural evolution from the organisation over which the sheriff presided, to meet the special needs of the district, or they may have been planted deliberately where abnormal conditions prevailed. By 1321 there was an "exchequer of Newcastle-upon-Tyne," with recognised quarters in the castle, of which the sheriff of Northumberland was the normal keeper, and this was still functioning in 1362.[4] Before 1327 an "exchequer of Carlisle," controlled by the sheriff of Cumberland, had come into being, and it continued in a state of modest activity to the end of the century.[5] In March 1332 there is evidence that certain lands were held by the obligation, among others, "of rendering 2s. 6d. a year at the exchequer of York at the next county-court there after Michaelmas."[6] The chief occupation of such "exchequers" seems to have been the receipt of small rents and dues, "cornage" and other similar local services, which were more easily paid on the spot than to the central exchequer.[7]

[1] See later, iv. 83-86, 97-99. [2] See later, iv. 239-251.

[3] See J. F. Willard, "The taxes upon moveables of the reign of Edward III.," in *E.H.R.* xxx. 69-74, especially p. 69.

[4] *C.C.R., 1318–23*, p. 302; *ib., 1333–37*, pp. 159, 226, 228; *ib., 1341–43*, p. 417; *C.F.R.* iv. 41, 44, 85, 358; vii. 230.

[5] *C.F.R.* iv. 69, 77, 164, 374, 444, 451; *ib.* v. 210, 260, 422, 432; *ib.* viii. 7, 50, 65, 81; *C.C.R., 1333–37*, p. 396; *ib., 1337–39*, p. 547, *et passim.* See also subsequent *Calendars passim*, down to *C.P.R., 1391–96*, p. 724.

[6] *C.F.R.* iv. 306; *C.C.R., 1374–77*, p. 121.

[7] Their early history, exact scope, relation to the county court, and connection with the exchequer at Westminster, might well be worth further in-

The exchequer of Berwick was not on the same plane as these, because it was the English exchequer for Scotland, though its sphere was soon to be limited by Scottish successes, to the one Scottish town left in English hands. While, therefore, in origin analogous to the exchequer of Dublin, which was the financial office of a land brought under the domination of the English king, the exchequer of Berwick became ultimately an exchequer of the type of those of palatinates lapsed to the crown, such as Chester, Carmarthen and Carnarvon.[1]

Other more disputable reforms were not shirked. For reasons somewhat obscure to us, the problem of the escheatries and the problem of the staples had become party questions in the reign of Edward II. Under Edward III. the incoherence of the various efforts made to solve them, show that men's opinions were still divided.

The question of the escheatries continued to be a vexed one, and the experimental period went on beyond our present limits.[2] It was a distinct harking back to Despenserian tradition when the eight local escheatries of 1323 to 1327 were revived in 1332. The recognition at an earlier time of the mayor of London as escheator within his city [3] was now made a precedent for a similar grant to the mayor of Newcastle-upon-Tyne.[4] Escheatries of franchises had long been permitted,[5] and were now extended, as for instance,

---

vestigation. No confusion need arise between such local exchequers and the central office, because the former are always "scaccarium regis (or nostrum) Noui Castri super Tynam," or "Karlioli," or "Eboraci," while the latter is "scaccarium regis (or nostrum) *apud* Westmonasterium," or "*apud* Eboracum." See *C.R.* 138/6; 154/7; 155/25 (*C.C.R., 1318–23*, p. 302; *1333–37*, pp. 159, 226-228). *F.R.* 127/3; 128/16; 130/25; 132/17 (*C.F.R.* iv. 69, 77, 164, 306, 451). *C.R.* 138/11; 152/22d; 156/9d; 157/28d (*C.C.R., 1330–33*, p. 573; *1333–37*, pp. 525, 677).

[1] *C.F.R.* iv. 502.

[2] See for details, S. T. Gibson, "The Escheatries, 1327–1341," in *Eng. Hist. Rev.* xxxvi. 218-225.

[3] This was granted by Edward III.'s charter, March 26, 1327 (*Hist. Charters, London*, p. 52). But in 1319 the citizens successfully resisted the attempt of the king's escheator to hold an inquest; *Letter Books, London*, E. 87-88.

[4] *C.F.R.* iv. 330, records a grant to the mayor of Newcastle of the office of escheatry in that town and liberty, as a result of a petition of the burgesses, and by reason of their great expenses in saving the town against the Scots (Sept. 14, 1332). Mrs. Sharp informs me that the mayor of Chester was recognised by the earl as escheator of that city at least as early as 1354–55; Brown, p. 221.

[5] For instance, the escheatry of Englefield (Flintshire), answering to the exchequer at Chester; *C.F.R.* iv. 253.

in 1334 to Holderness, again brought under chamber control in 1333.[1] In practice, then, the eight escheators did not make an exhaustive list of those officers. But in 1335 there was once more a conservative change, and a near approach to the two great escheatries was made, when those offices, south and north of Trent, were restored, though the southern sphere was limited by a third escheatry being set up for the south-western shires of Cornwall, Devon, Somerset and Dorset.[2] This modification may indicate the need of appeasing the opposition as the foreign outlook grew more gloomy, but more likely it meant a change of baronial policy in the matter, which I am tempted to attribute to the growing influence of the lesser aristocracy in parliament.[3] We shall see that the eight groups of counties were again revived by the triumphant barons in 1340, and with that disappeared for ever the two dignified escheatries which the ordainers had willingly accepted. The barons of 1341, still more powerful than in 1340, showed no desire to go back to them.

There was similar vacillation in dealing with the staples. When the Despenser staples were abolished, a "free trade" experiment was made in 1328. It had not been particularly successful, and certain merchants had striven to set up a foreign staple at Bruges. To remedy this, parliament in September 1332 restored the home staples very much on the Despenser lines.[4] But in 1334 another reversal of policy abolished staples altogether, and that at the request of parliament.[5] This state of things remained until the threat of war involved for political reasons the renewal of foreign staples, first at Antwerp then at Bruges, in accordance with the preponderating Netherlandish ally of the

[1] See for this below, iv. 272-276.

[2] The southern escheatry was restored on Dec. 6, 1335 (*C.F.R.* iv. 465), and the northern on Jan. 20, 1336; *ib.* p. 469. With regard to the south-western group, Middleney, the escheator, was ordered to surrender with the others in Dec. 1335, but was again acting in March 1336, and so on to 1341. In effect, then, his charge was the survival of one of the eight county groups.

[3] "It is clear," says Mr. Gibson (*u.s.* p. 220), "that the two parties had exchanged policies before 1340."

[4] It was, however, resolved that there should be no staple held save in towns of which the king was lord. Cardiff, which was included in the staple towns mentioned in the act, was accordingly removed from the list by the York parliament in 1333, as it was the town of the lord of Glamorgan and not of the king; *C.P.R., 1330–34*, pp. 362-363, cf. *C.C.R., 1333–37*, pp. 13-14.

[5] *Foedera*, ii. 87.

moment.[1] The general favour now shown to foreign staples was doubtless due to purely fiscal considerations. It was hoped that thereby the king would receive more money from customs and war taxes, and that this might be easily collected.

More important than these rearrangements of administrative machinery was the great movement for improvements in the local administration of justice and the preservation of order. This period witnessed a series of strenuous efforts to give effect to the statute of Northampton of 1328, and the statute of Westminster of 1331, for the preservation and maintenance of order by the appointment of special commissioners and keepers of the peace. From these functionaries slowly grew the office of justice of the peace, which had profound influence in securing a higher standard of political tranquillity and a more complete execution of the law than earlier times had enjoyed. On the importance of the office of justice in both administrative and judicial history no stress need be laid here. Such an office not only secured better execution of the law, but based its execution on commissions from the royal authority, so that the prerogative was glorified while the object of government was more nearly attained. There was, however, a substantial difference between the Edwardian justices of the peace and their Tudor successors. While the latter represent the country gentry, willingly making themselves the agents of the crown for the preservation of order and the enhancing of royal authority, the fourteenth century justices were selected from a more limited class, and were comparatively few in number. In the restricted commissions of the peace of Edward III.'s reign there was an official element of crown servants and lawyers, but there was also an aristocratic element, the chief of the commission being normally a local grandee of the first importance. In this we may perceive not only administrative progress of a notable sort, but another indication of that persistent effort of Edward III. to take the greater nobles into partnership with him, thus diminishing the strain of that normal conflict between aristocracy and crown which had almost wrecked the machine of state

[1] The Antwerp staple was being negotiated in Feb. 1337 (*ib.* ii. 959), and was declared before Aug. 14, 1338, by Edward at Antwerp; *C.C.R., 1337–39*, p. 527: the Bruges staple was proclaimed on Aug. 8, 1341, with H. Ulceby as its mayor; *Foedera*, ii. 1172–73.

under his father, and was to threaten to do the same under his grandson, Richard II. There were analogous efforts in other directions, especially in the employment of abbots of leading monasteries as collectors of subsidies. In this way use was made of an inconspicuous class of the community which had become increasingly diverted from the service of the state.

There is a real contrast between such far reaching measures and the efforts made by Edward III. to repair the machine of household administration which had been broken up by the fall of the Despensers. The most important of these was the revival of the chamber.[1] It began in 1332, when the system of reserving lands to the chamber was again adopted. This was followed by a development of the chamber personnel, clerical and lay, particularly through the increasing prominence of chamber clerks, which first manifested itself in the high-handed energy of William Kilsby, receiver of the chamber between 1335 and 1338, and through the even more masterful activity of chamber knights like Sir John Molyns. Parallel with this went a growth of the chamber secretariat and the chamber seals. There was the secret seal or signet, whose custodian was soon to be called the king's secretary, from whom the modern secretaries of state were ultimately to develop. This ancient chamber seal once more, as under Edward II., threatened to replace the privy seal as the voucher of the king's personal wishes. Besides the secret seal for general use, a special seal for the internal business of the chamber, notably the management of chamber lands, arose about 1335 in the griffin seal, more fully described as " the secret seal called the griffin." By that time the chamber had become all and more than it had been in the days of the Despensers. In the earlier years of the war it became an important instrument of prerogative, and was a favourite executant of special business which a state of war involved.

Under Edward II. the chamber had tended to supersede the wardrobe, and the legislation of 1323–24 seemed likely to reduce the wardrobe to a household office rather than raise it to a definite political position. In the new reign the early activities of the wardrobe were on so restricted a scale that it appeared to be settling down to direction of the king's domestic concerns only.

[1] For the details of this process, see later, iv. 238-311.

Yet its limited operations between 1327 and 1336 were not in themselves evidence of the abandonment of ancient duties, for in quiet times household administration was naturally its main task. The descriptive title of it, wardrobe of the household, became now quite usual, but it retained its characteristic expansibility, and when war became serious, at once resumed the functions it had performed under Edward I. The wardrobe was still the office which could be most rapidly and effectively adapted to meet the obligations which war conditions imposed on the administrative machinery.[1] The possibilities of wardrobe expansion are appreciated when we see that in these very years the wardrobe was strongly manifesting a capacity for developing offshoots. These acquired a certain independence, and their activity gave even more scope for the energies of the central organisation.

Since 1324 the great wardrobe had been a more or less independent office accounting directly to the exchequer. The business of maintaining the magnificence of Edward III.'s court now threw special responsibilities upon it, and the large share it took in clothing, arming and equipping the forces in Scotland and France widened still further its scope and opportunities. From an early period of the reign, men of ability and promise were put at the head of the great wardrobe, and their rapid promotion to leading posts in the central wardrobe organisation kept the two bodies from drifting entirely apart, by assuring for them some unity of policy and control.[2]

A more novel development, and one more characteristic of this period, was the king's privy wardrobe in the Tower of London.[3] Arising gradually as a localised storehouse of great wardrobe and chamber goods, it came to possess an organisation of its own, and a position virtually independent of the two institutions of which it was an offshoot. Its detachment from politics and court intrigue is shown by its respective keepers' long tenure of

[1] For all this see vol. iv. chaps. xi., xii.

[2] Three keepers of the great wardrobe in succession were promoted directly to the controllership of the wardrobe, and two of the three were further raised to its keepership. These were William de la Zouch, keeper of the great wardrobe, 1324–34; controller of the wardrobe, 1334–35; Edmund de la Beche, keeper of the great wardrobe, 1334–35; controller, 1335–37; keeper of the wardrobe, 1337–38; William Norwell, keeper of great wardrobe, 1335–37; controller, 1337–38; keeper of wardrobe, 1338–40. For the great wardrobe, see vol. iv. chap. xiv.

[3] See for details, vol. iv. chap xv.

office, for there were only five of them for the half-century of Edward III.'s reign. The great war gave it immense responsibilities, and a unique position, mainly as the storehouse, partly as the factory, of the king's arms, armour and artillery. The long keepership of John Fleet, lasting from 1323 to 1343, saw the privy wardrobe assume its permanent constitution and authority. The uninterrupted absence of the exchequer from Westminster between 1333 and 1339, and the constant absence of the wardrobe, itinerating with the king mainly in the north, increased the need for a fixed depository in London.

Another government department was rapidly constituting itself during these same fruitful years of administrative development. This was the office of the privy seal, which had already in 1318 assumed a semi-independent position as an authority both in state and household affairs.[1] In the early part of Edward III.'s reign it gradually dissociated itself from wardrobe and household, and became a restricted office of state. It still itinerated a good deal, sometimes with the king, sometimes behind him or on more or less parallel lines with him, but it was tending to become more sedentary. Like the chancery, its headquarters and the *hospicium* of its clerks showed a disposition towards settlement at Westminster. But it lost its original character only by slow degrees. Notwithstanding the constant invention of new seals, the secret seal, the signet, the griffin seal, and the mysterious personal seal called the *signum*,[2] the writ of privy seal was still looked upon as evidence of the king's personal will, and care was taken that its keepers should be men in whom the monarch reposed his confidence. At the same time the pains taken by the last generation to claim for it an official, rather than a domestic, position had resulted in it being generally accepted as part of the public machine of state. Thus for two apparently contradictory reasons the privy seal continued to grow in power and dignity. This is best seen just before Edward III. emancipated himself from tutelage, when it was thought promotion to raise Richard of Bury from the keepership of the wardrobe to the keepership of the privy seal. Less than twenty years earlier the custody of that seal had been

[1] See for details, vol. v. chap. xvi.

[2] For the other "small seals," see vol. v. chap. xvii.

but one function of the secondary clerk of the wardrobe, the controller. Even after the ordainers insisted on making the privy seal a separate charge, its keeper had no higher status, pay or dignity than the controller of the wardrobe. Administrative progress was now so swift that within eleven years of the ordinance of 1318, the keeper of the wardrobe gained authority and prestige by exchanging that keepership for the keepership of the privy seal. Nor was this an isolated case. Within four years Robert Tawton was promoted, like Bury, from the custody of the wardrobe to that of the privy seal, and Tawton's successor at the privy seal, William de la Zouch, went from the controllership of the wardrobe to that office. The separation between the wardrobe and the privy seal was further emphasised by a succession of keepers of the privy seal who had never served in the office of the wardrobe.

About the same time the keeper of the privy seal was beginning to be associated with the chancellor and treasurer as an intimate committee of three, to which the king and council delegated many of their perplexities. In short, the process had gone on apace by which the privy seal went "out of court" altogether, and its keeper became a third minister of state, ranking immediately after the chancellor and treasurer.[1]

Such were the administrative offices in the fourth decade of the fourteenth century. The interconnection established in these years between the various household departments is most important. In the developments which took place, chamber, wardrobe and office of privy seal all worked together with a common purpose. They were so interdependent that it is difficult and misleading to study any one of them out of relation to its fellows. They were parts of a great household system through whose expansion the king hoped to win back his own. The chancery and exchequer represent the national offices of state: the chamber, the wardrobe of the household, the great wardrobe, and the privy wardrobe of the Tower, stand for the mainly domestic administration. The office of the privy seal in these days of transition became the bridge between the two groups, though it

[1] *Statutes of Realm*, i. 283. I see no evidence that the statute of 1340 gave to either the keeper of the privy seal or to his colleagues, any "rank in the council." Cf. Baldwin, *The King's Council*, p. 74.

was still closely related to the household system from which it had originated. At that stage the administrative machine was subjected to two potent and interrelated influences. These were the new differentiation of parties and the outbreak of the Hundred Years' War. The year 1338 saw the appearance of both.

Underlying the special arrangements, operative from 1333, for the attempted reconquest of Scotland, we may see the gradual development of the forces which were to assert themselves more clamorously when Edward had definitely entered upon continental warfare. Particularly we shall have to notice some of the effects of the Scottish campaigns on administrative history. The exceptional measures required for financing, levying and directing the armies employed there, anticipated to a certain extent the measures afterwards adopted for the conduct of the French war. But between the conduct of an intermittent war, waged on a small scale in Britain, and that of a more determined and sustained struggle mainly fought beyond the seas, lay an important difference. Throughout the Scottish campaigns, unity of administration could substantially be maintained even when the king was in Scotland, though it was secured only at the cost of transporting the chief offices of state to the north. But the wars against France demanded two separate administrations, one at home and the other overseas, whenever the king accompanied his armies. This made necessary some attempt to establish an effective control over both.

The summer of 1332 saw the battle of Dupplin Moor, and the consequent conquest of Scotland by Edward Balliol. This placed an overwhelming temptation before Edward III. to revive his grandfather's policy in Scotland. The September parliament at Westminster advised him to go north to prepare for eventualities. Accordingly Edward made his way to York, taking with him chancery, wardrobe, king's bench and the other offices in the habit of following the court. The failure of Balliol to maintain himself soon showed that the subjugation of Scotland could only be made permanent after a long and difficult struggle. To facilitate the direction of England's part in this struggle, York was made, and for more than five years remained, the administrative centre of the monarchy. York had already enjoyed a similar distinction on several occasions under both Edward II. and the

Mortimer government, but the visit now embarked upon had for its only precedent in length the equally long sojourn there of the offices of state between 1298 and 1303.

The continuous presence at York, during these years, of at least a branch of the chancery, showed most clearly the administrative importance of that city. For the chancery, though no longer regularly itinerating with the court, was still often on the move, sometimes following the court at a distance, as when the king made his hasty and dangerous visits to the remoter parts of Scotland, and sometimes travelling parallel to the sovereign. It had, however, as we have seen, a fixed base in London, where it not only stayed more often than anywhere else, but also normally kept its records. Even when the king and chancellor went abroad, the great seal and the chancery staff remained behind, usually at Westminster, the use of the seal being controlled by writs of privy seal, issued by the king from abroad.[1] But in October 1332 the chancery settled down in York, and made that city its real headquarters, until the end of 1336. There were, it is true, occasional flights to London and to the Midlands, mainly for the purpose of holding parliaments and great councils. There was one short excursion northwards to Newcastle, to meet the king, and some sustained sessions in London or Westminster other than in parliament time. With these exceptions, the record of persons acknowledging deeds and recognisances in the " chancery at York " is almost uninterrupted for this space of four years and a quarter.[2] So much was York the home of chancery,

[1] *Foedera*, ii. 814, shows how in April 1331 the king took the chancellor, Stratford, with him to Pont Sainte-Maxence, but left the great seal in England. He took the privy seal and Bury, its keeper, to France, and directed the keepers of the great seal to date their writs as to day and place, according to the dates and places of the privy seals warranting them. See for details, Déprez, *Préliminaires de la guerre de Cent Ans* (*1328–1342*), pp. 74-76. Good instances of such predated writs are in *C.P.R.*, *1330–34*, pp. 103, 110 and 122; the corresponding privy seals are in *C.W.* 181 *passim*.

[2] The problem where " chancery " was at any given time is a difficult one, the more so as, upon occasion, the chancery could be divided and sit in different places. In trying to solve this problem little reliance can be placed on the dates and places of the issue of writs. They are almost as unsafe a guide in determining the place of the chancery as they notoriously are in establishing the royal itinerary. The date may be that of the issue of the warrant for the writ : the place at the most suggests the possibility of the apparatus for sealing being there for the moment. But writs were often sealed at different places on the same days, and sometimes at places too remote to make it possible for the seal

that when, on August 10, 1333, chancellor Stratford went south to visit his diocese, he transferred the seal to archbishop Melton, and only resumed it, also at York, when he came back on February 17, 1334, as archbishop-elect of Canterbury.[1]

The sedentary office of state, the exchequer, and the sedentary law court, the common bench, came to the north a little later than the chancery, and remained there nearly two years longer. The exchequer was the first of the two to leave Westminster. Its removal was effected between May 19 and 28, and it was established at York, with all its records, from Trinity Monday 1333, to Michaelmas 1338.[2] All debtors to the exchequer after April 1 were required to pay moneys due to it before May 31 to the abbot of St. Mary's, York, whose receipt was to be a sufficient warranty for tallies to be made when the office had been

---

to have been removed from the one place to the other. Moreover, chancery writs very often reproduce the date of the privy seal or other document of warranty, when it is certain that there must have been a considerable time before the writ of warranty could reach the chancery. Since this note was drafted, the problems indicated in it have been examined with great learning by Sir Henry Maxwell Lyte in his *Notes on the Uses of the Great Seal*, especially pp. 241-265. He neglects, however, the valuable information as to the place where the main office of the chancery was at any time, contained in the memoranda on the dorse of the close rolls that such and such a person came " into chancery " at such and such a place, and " recognised " some obligation. A study of such recognisances as are recorded in *C.C.R., 1330–33*, and *ib., 1333–37*, establishes the general results laid down in the text. They may here be more precisely particularised. York : Oct. 20, 1332 to Mar. 1334. Oxford : Apr. 6, and London, Apr. 20. York : May to June. Nottingham : July 16. Northampton : July 23. Westminster and London : Aug. 6 to Oct. 14 (parliament). York : Oct. 1334 to Feb. 1335. Nottingham and Lenton : Apr. 1 to 6 (great council). York : May to July. Newcastle : Nov. 28 (with king). York : Jan. to Feb. 1336. (This is the end of the almost continuous sessions at York.) London : March to May (parliament). Studley, Yorkshire : Aug. 4 (an unintelligible entry). Stratford-on-Avon : Aug. 6. Northampton : Aug. 24 to Sept. 1. Nottingham : Sept. 27. York : Oct. 30 to Christmas 1336. For the rest of our period the chancery remained in the south, never getting further north than Northampton and Ipswich. The wanderings of the great seal were, however, much greater than those of the chancery. Two points are clear : one is that the chancery was at York much more often than the king himself. The other is that the great seal did not accompany the king on the Halidon Hill campaign. In the contract for the surrender of Berwick, the king promised to seal the instrument within eight days of the surrender of the town. He could not do so earlier, because the great seal was not with him at the siege ; *Foedera*, ii. 866.

[1] *C.C.R., 1333–37*, pp. 129-130, 296.

[2] See for this, Dr. Broome's " Exchequer Migrations," *u.s.* p. 292. See below, pp. 82-83.

transferred.[1] The common bench reached York on the octave of Michaelmas 1333, and stayed there until the octave of Hilary 1339.[2] Queen Philippa's exchequer followed in the wake of the king's exchequer.

As usual, exchequer and common bench were housed in York castle, where the "hall of the king's exchequer," and the other rooms required, had already been repaired and fitted up for the visitors,[3] though some additional renovation was carried out after the exchequer had arrived. For queen Philippa's "receipt," the sheriff of Yorkshire was ordered in June to have repaired, and if necessary rebuilt, a timber house on the north side of the castle, "with exchequers and all things necessary therefor."[4] Immediately to the north of the castle was the great Franciscan convent where the king established his household.[5] There was almost as much concentration of public and household administration on the little tongue of land between the Ouse and the Fosse, as there had long been at Westminster. But the space was not ample, and other offices of household and state were scattered about the city. The treasurer seems to have lived in a house there, and to have kept in his immediate custody the treasure and certain archives of the exchequer.[6] The wardrobe also apparently had the use of similar houses.[7] The chancery was quartered by Stratford in the church of St. Mary's abbey, the chancellor and his clerks taking up residence in the abbey itself.[8] When archbishop Melton took charge of the seal during Stratford's absence from York in 1333–4, he kept it at his own house at Bishopsthorpe, and sealed writs with it in the chapter house of St. Peter's

[1] *C.C.R., 1333–37*, pp. 28-29. This was on April 1. The abbot was ordered to keep the money till further orders. He was already receiver of the clerical subsidies in the north, and largely supplied the king's household, then also in the north, with money.

[2] *C.P.R., 1330–34*, p. 412; *C.C.R., 1333–37*, pp. 501-502.

[3] "Exchequer Migrations," pp. 293, 298; *C.C.R., 1333–37*, pp. 19, 154.

[4] *C.C.R., 1333–37*, pp. 50, 154. The rudeness of the accommodation can be guessed from the fact that the order was only given in June, and that timber was the chief material used. The calendar rendering on p. 50, of the phrase "pro recepta Philippe Regine Anglie" as "for receiving queen Philippa," is obviously incorrect; cf. p. 154.

[5] *C.C.R., 1333–37*, p. 493.

[6] *Ib.* p. 294.

[7] *Ib.* The place is not mentioned, but in 1328 the "domus garderobe," was St. Leonard's hospital, at the Minster—St. Mary's end of the city; *E.A.* 383/19. But as this is a great wardrobe account, "garderoba" may mean here "great wardrobe."

[8] *C.C.R., 1333–37*, pp. 129-130.

minster, where presumably the chancery clerks then held their sittings.[1] On Stratford's return, the chancery resumed its sessions at St. Mary's, and the sealing was again done in the abbey church.[2] As a large number of the chancery records went north with the office, considerable space must have been needed.[3]

Although York derived a certain temporary prosperity, it also suffered some inconvenience, from the increased activity within its walls. As in 1328, the unique opportunities for creating disturbance made an irresistible appeal to the north country folk. Men in unlawful possession of arms collected in York and its suburbs. The king's ministers and other loyal subjects were waylaid, beaten and robbed. Some bands went so far as to break by night into the houses of the treasurer and of the wardrobe, insulting the treasurer and the king's servants, and carrying away as many jewels and secret documents as they were able. In January 1334 the mayor and bailiffs were ordered, under severe penalties, to enforce against such evil-doers the statutes of Winchester, Northampton and Westminster.[4]

The Scottish trouble brought the court to the north. The large number of north countrymen in the king's service, and the restoration of a great chamber estate in Holderness made it easier for the offices of state to remain there, even when there was once more a call towards the south. In these years of exile from Westminster the exchequer was entirely controlled by clerks beneficed in the north. After Ayleston's early retirement, the bishops of Durham and London, the dean of York, and the archdeacon of Richmond successively held the office of treasurer. The chancery, when not in the grip of the Stratfords, was directed first by the archbishop of York, and then by the bishop of Durham.

With the coming of chancery, common bench and exchequer, York became once more a meeting-place for parliaments. Between 1330 and 1332 all the four parliaments of the period were

[1] *C.C.R., 1333–37*, pp. 130, 188. [2] *Ib.* p. 296.

[3] Some records were sent from the Tower of London to York in May 1335, in addition to those already there; *C.C.R., 1333–37*, p. 113. When Michael Wath succeeded Henry Cliff as keeper of the chancery rolls on Apr. 28, 1337, at Mortlake, there was still a chest at St. Mary's abbey in which rolls and writs of chancery were stored, "as Michael says"; *ib., 1337–39*, p. 130. See also p. 64 below.

[4] *Ib.* pp. 294-295.

assembled at Westminster. But of the four parliaments of 1333 to 1335, three were at York and only one at Westminster. This fact is the more significant since the Westminster parliament of September 1332, in agreeing with the king that he should make his way speedily to the north, sanctioned implicitly the migration to York.[1] When the chancery left York, parliaments were no longer summoned there, the last summoned to York for February 1337 being prorogued to Westminster.[2]

Yet it was not always convenient to have parliaments or gatherings of a parliamentary character assembling so far to the north as York, even though the exchequer and bench were there. Thus in 1335 the council brought forward a curious plan to divide a great council of magnates into three sections, meeting at York, London, and some unspecified place in the march of Wales.[3] No assembly actually met at York after 1335, though there was a parliament at Nottingham in 1336 and one at Northampton in 1338. Westminster, which had already seen parliaments in 1334 and 1336, saw three parliaments in 1337, and except for the Northampton "parliament" of 1338, and the adjournment to Winchester of the quasi-parliament of 1371,[4] Westminster was

[1] *Rot. Parl.* ii. 66-67. In the last two parliaments of 1332, held respectively at Westminster and York, prelates, barons and knights deliberated separately as well as in common; "les ditz prelatz par eux meismes, countes et barons par eux meismes, et les chivalers des countez par eux meismes." Here we have the "three estates," in fact though not in name, as early as 1332.

[2] A gentle protest must be made against the assumption of so many writers, including even Prof. Pollard in his *Evolution of Parliament*, that parliaments were normally held "at Westminster." That was certainly not so in the critical period of parliamentary growth between 1274 and 1338, whatever may have obtained after 1338. The Hundred Years' War first made Westminster the habitual seat of parliaments. Taking as a rough guide the rather accidental list of the "parliaments" of Edward I.-III. in the *Return of Members of Parliament*, I find that, under Edward I. eight parliaments met at Westminster, one in London, and seven elsewhere. Under Edward II. there is a clear majority of fifteen Westminster parliaments, besides one in London, as against eight elsewhere. Between 1327 and 1330 it was the other way, there being only two parliaments at Westminster and six elsewhere. From 1330–32 all three parliaments were at Westminster. For the period 1333–38 there were five parliaments at Westminster as against four elsewhere. The totals for the years 1274–1338 are 33 Westminster, 2 London and 25 elsewhere. I have taken no account of the parliaments summoned but never assembled, and I have omitted the curious meeting of borough members planned to take place at London in January 1337. Probably most attempts to make such calculations as these would vary slightly, but the net result would be the same.

[3] *Cal. Plea and Mem. Rolls, London, 1323–64*, p. 93.

[4] See for this later, pp. 268-270.

the invariable meeting-place for Edward III.'s parliaments from 1339 to 1377.

Few of the parliaments of the late thirties had any great importance. Perhaps the most typical of the series was the Westminster parliament of March, 1337, whose change of venue from York to Westminster marked decisively the turn of the tide southwards. Reference has already been made to it, because advantage was taken of its meeting to create the duchy of Cornwall and the six earldoms of which we have written at some length. The session was limited to thirteen days,[1] and there is no extant roll of its proceedings. Its statute for the promotion of the wool trade, by the prohibition of the export of unworked wool and the encouragement of foreign weavers to settle in England, would, if it had been effective, have produced an economic revolution.[2] But regulation of the export of wool was delegated to the king and council, and they, by allowing export on payment of an additional custom, simply made the new law a pretext for a new tax. Though this act attracted the attention of the chroniclers, they were more interested in the creation of the seven new dignities. Great festivities attended these solemn proceedings. A parliament of this sort was primarily a court, but it was a court in the sense of an enlarged council, a glorified gathering of magnates and commons to advise the king in matters of moment, and to add to the ceremony with which he was surrounded.[3] The records of the wardrobe show how such an

[1] See above, pp. 37-39. The date and duration of its sessions there are fixed by the "writs of expenses" in *C.C.R., 1337–39*, pp. 113-114. The calendar erroneously puts "Monday after St. Matthew last" as the day of meeting, but clearly St. Mathias' day is meant, not St. Matthew's. As St. Mathias' day in 1337 fell on Monday, the "Monday after" was Mar. 3. On Mar. 20 the expenses writs were issued, allowing knights of the shire for 13 days' attendance. This makes the duration of the parliament Mar. 3-16, a period confirmed by *E.A.* 388/2. Sunday, Mar. 2, is there "prima dies parliamenti," doubtless for ceremonial or convivial reasons. Parliament ended on Sunday, Mar. 16, when great festivities and the creation of knights and earls were recorded in the wardrobe account.

[2] Murimuth, p. 79. *Statutes of the Realm*, i. 280.

[3] These parliaments at Westminster, when the common bench and exchequer were at York, give reasons for suggesting some limitations to the widely held view which Prof. C. H. M'Ilwain developed in his able *High Court of Parliament and its Supremacy* (1910), and Prof. Pollard has maintained strongly in his *Evolution of Parliament*, notably in chapter ii. on "the High Court of Parliament." This is the opinion that parliament was primarily a law court. "Curia" is not essentially a law court in mediaeval phrase, but the king and his entourage, as

assembly increased the expenses of the royal household. Thus the counter-roll of Richard Ferriby in 1337 records how the parliament met, and how its proceedings culminated in the great feasts after the concluding Sunday session, when the king entertained the chief magnates, and the queen, their ladies.[1]

An occasional meeting of parliament in Westminster, and the visits paid from time to time by some section of chancery, household, or exchequer,[2] did little to relieve the impoverishment of Westminster which had resulted from absence of the administration in general. In 1338, the inhabitants of Westminster besought the king to allow them to be assessed at a lower rate for the purposes of war taxation. As their city was "not a borough or market town, and men do not traffic or sell there," they claimed that they were not able to live, except when the "places of the exchequer and common bench or others of the king's places stay there, and men are much impoverished because the said places have not stayed there for a great while, and

---

well-known passages in Fleta, quoted by Mr. Pollard, show. Whether the royal following were small or large, the judges and lawyers were naturally to the fore. No doubt the meeting of a parliament made the court in one sense a "high court," because it provided the king with sufficient, perhaps too much, counsel, and no doubt also that, when so many advisers were gathered together, the king thought it an especially appropriate time to transact legal or any other business of importance. But even in the fourteenth century there was, as Mr. M'Ilwain recognises, no complete differentiation between "legal," "legislative" and "executive" business. All such went on side by side at all times, and always with the advice of those around the king. "High Court of Parliament" is, therefore, an appropriate phrase, but proves little to the purpose. Moreover, the prayer for the High Court of Parliament, to which Prof. Pollard refers, only got into the Prayer Book in 1661, and was written, perhaps by William Laud, somewhere about 1625, when it first appeared in print. It is unsafe to argue back from the sixteenth and seventeenth to the thirteenth and fourteenth centuries.

[1] *E.A.* 388/2. "Isto die (*i.e.* Mar. 16) rex fecit filium suum primogenitum ducem Cornubie, sex comites, videlicet Gloucest., Sarum., Derb., Norh., Hunt., et Suff., et xx. milites. Et tenuit magnam aulam illo die cum omni solenitate. Et domina regina tenuit paruam aulam ad sumptus regis ei concessos dominabus et domicellis." The "hospicium" expenses, which in the previous week were £163 : 0 : 8¾ swelled during this week of parliament to £665 : 7 : 0.

[2] Sometimes, to mitigate the inconvenience caused to the southern sheriffs, concessions were made to them, allowing them to pay in their money at London instead of at York; *C.C.R., 1337–39*, p. 356; order to the sheriff of Devon, Apr. 4, 1338, to take the money of his proffer, which he ought to have at York for the morrow of the close of Easter, to London and pay it there to the treasurer, Robert Wodehouse.

many who used to dwell in the town have departed therefrom by reason of poverty, so that the men in the town cannot live and maintain their estate unless they are favourably treated by the king." [1] A commission declared that the complaints of Westminster were well founded, and it looks as if some relief were afforded.[2] In October 1337 it was complained at Westminster that the " rolls of the chancery of Edward II. were not with the king." [3] How slowly the transference to the south was made is shown by the fact that many chancery records were not taken away from York until the spring of 1339.[4] Westminster's turn came again when the exchequer and bench had once more been moved back to it. During the rest of the reign it became the administrative centre of the English state more completely than it had ever been before. It was the Hundred Years' War which finally secured for Westminster the permanent position of " capital " of England.[5]

One conclusive reason why Westminster began to draw the officials back again after 1336 was that, although the military strength of England lay in the north, her financial resources were almost entirely in the southern counties. This is not the place to discuss in detail the fiscal history of the reign of Edward III., for we are concerned with finance only in so far as it influenced administration. But ever since Edward III., in 1333, had assumed responsibility for the campaigns of Edward Balliol in Scotland, finance had become an increasing anxiety to him. In the early years of his reign the use of assignments had been considerably extended, because the exchequer had little cash in hand, and because, at the moment, there was no urgent demand for payment in coin. Professor Willard has shown that in the second exchequer year of Edward III., Michaelmas 1327 to Michaelmas 1328, the close and the memoranda rolls record

[1] *C.F.R.* v. 92; *C.C.R., 1337–39*, pp. 552-553, 563. This was in September and October 1338. Perhaps the establishment of a staple at Westminster in 1353 was an attempt to make it more industrially self-supporting; though doubtless it was even more a blow at the Londoners.

[2] It was found that the men of the town were the poorer by £70 a year.

[3] *C.F.R.* v. 47.

[4] *C.C.R., 1339–41*, p. 64, order of Apr. 22, 1339, to keeper of hanaper to pay cost of their transference to Westminster.

[5] I have attempted to work out this idea in my Raleigh Lecture for 1923, " The Beginnings of a Modern Capital: London and Westminster in the Fourteenth Century "; *Proc. Brit. Acad.* x. 487-511.

assignments amounting to a sum slightly in excess of the whole exchequer disbursements entered on the issue rolls.[1] Only careful comparison of the writs with the entries on the issue rolls can discover how nearly the two are complementary, for assignments might not mature until some little time after the year in which they were made, and we must not assume that the assignments recorded on the issue rolls of any one year are the assignments made in that year. Even so, the obvious conclusion is that the exchequer neither received nor paid any appreciable sums in cash, but dealt with its creditors almost entirely on an assignment basis. Professor Willard warns us against basing premature generalisations on the figures of any one year, but it is safe to say that the exchequer had become and remained, like a modern bank, an office of accounts, where the sums of cash received and paid out were small in comparison with the magnitude of book-keeping transactions. The stormy conditions of the beginning of the reign doubtless caused exceptional stringency of ready money.

A few years of peace might have restored normality, but within three years the outbreak of war with Scotland brought another difficulty upon the financiers. Serious hostilities began with Halidon Hill in 1333, but before then the subterranean financing of Balliol's privateering adventure to recover his inheritance had increased, as war always does, the demand for ready money. Edward had no difficulty in obtaining what he wanted, as Professor Willard has proved by his examination of the exchequer turnover in 6 Edward III., Michaelmas 1332 to Michaelmas 1333. Between Michaelmas 1332 and Hilarytide 1333, assignments were still frequent, but money payments stand to them in the rough proportion of one-third to two-thirds. In Hilary term the cash payments were more than two-thirds of the whole, and assignments less than a third. After Easter, when fighting had begun, the assignments became insignificant: only money down could meet expenses in the field. Accordingly large sums of coin were sent to the north under careful escort: a sort of branch exchequer was opened at York, and in May the whole exchequer moved thither, that the money might be more

[1] J. F. Willard, "The Crown and its Creditors, 1327-1333," *E.H.R.* xlii. 12-19.

on the spot for the paramount needs of the campaign.[1] Meanwhile the wardrobe, and Tawton its keeper, were at Newcastle or Berwick, or as near as possible to the scene of action; and great sums were paid to Zouch, keeper of the great wardrobe, for the purchase of military supplies. There is clearly a real distinction between the financial policy and methods of these two years, and we may well believe that fundamentally that distinction is due to the different needs of war and peace. When the Hundred Years' War came, with obligations which dwarfed those of the Scottish campaigns, this difference was emphasised over and over again.

Edward's plans to pay for his expeditions were less and less successful, and his last efforts to subdue the Scots, before war with France broke out, were not on a large scale, though they are reflected in the swollen exchequer receipts of the years 1334 to 1337, and to a less extent in the wardrobe accounts for the same period. With the preliminary preparations against France in 1337, the chief energies of the state were devoted mainly to getting together money to pay for the new war. Parliamentary grants were nearly always insufficient, and were now the less adequate, because of the enormous cost of the elaborate series of alliances which bishop Burghersh was negotiating, on Edward's behalf, between the emperor Louis of Bavaria and the imperial princes of the Netherlands. On Edward's failure to obtain further supplies by the obsolete method of consulting the shires and dioceses individually,[2] the crown embarked upon extraordinary financial measures, to correlate which new administrative machinery had to be introduced.

Transition from preparation to action was protracted. Military organisation moved slowly, but financial provision dragged far behind. The result was that the king's "transfretation"

[1] See above, pp. 58-59.

[2] See for this, J. F. Willard, "Edward III.'s negotiations for a grant in 1337," in *E.H.R.* xxi. 727-731. The document printed by Mr. Willard shows that in Sept. 1337, a diocesan assembly of the great bishopric of Lichfield was summoned to Stafford by bishop Northburgh, at whose entreaty each archdeaconry appointed collectors for the promised clerical tenth. At the same time the bishop summoned a lay Staffordshire assembly to the same place. This meeting, though badly attended, resulted in a county grant of a 1s. from each librate of land. The merchants of the shire at a subsequent meeting agreed that a like grant should be levied on the wealthy men of certain specified towns. This was soon superseded by a regular parliamentary grant.

was put off time after time, and it was given out that the postponement of hostilities was "in accordance with the king's concession to the pope." [1] Special parliamentary grants, increase in customs duties, the purveyance of wool for the king's use and its export,[2] contracts with merchants, alien and native, to make the wool monopoly an excuse for fresh exactions upon that commodity, advances from capitalists—Italian, Netherlandish, and English—all were tried, but did not in the end suffice for the king's wants.[3] Nor was the situation eased by a foolish attempt to prosecute both Scottish and French wars with equal energy.

As long as Edward was in England, the machinery devised, or adapted, to meet the emergency did not jeopardise the unity of control. Chancery and exchequer, wardrobe and chamber, each worked their hardest, and did not get into each other's way. If the exceptional arrangements made to raise men and money threw a special burden on the household administration, there was as yet little suggestion of difference between the agents of the court and the officers of the state. The easy opportunism of the king, who habitually made himself pleasant by scattering favours to those whom he wished to conciliate, glossed over any possibilities of friction, though its costliness and lack of positive result were soon to show its essential unwisdom.

Plans were made for dividing the administration. The chancellor and treasurer, with a section of the council, were to remain in England to govern the country in the name of the king's eight-year-old son, Edward, duke of Cornwall, who was to be appointed regent.[4] The household officers, with another section of the council and representatives of the offices left behind, were to attend the king. The absence of the king and a large number

[1] *Foedera*, ii. 1022.

[2] A receiver of the moneys arising from the sale of the king's wool sent beyond seas was appointed as early as 1337 in the person of John Charnels, who had another king's clerk, Mr. John Wawayn, as his controller; above, p. 45. They were at work by Oct. 1337; *C.P.R., 1338–40*, p. 471.

[3] The best accounts of these financial expedients may be read in the papers of Professor Unwin, F. R. Barnes, and E. Russell, in *Finance and Trade under Edward III.* (M.U.P. 1918). These give us, in convenient shape, most of the information available from printed sources. S. B. Terry's *Financing of the Hundred Years' War, 1337–60* (London School of Economics Studies, No. 35, 1914) darkens counsel.

[4] The actual appointment was not made until July 11, when the king was on the verge of departure.

of his ministers was to reveal a new problem. Unity of administration was incompatible with a king and court working in the Netherlands, while a regency supported by another court strove to govern England, carry on the Scottish war, and provide the supplies of men and money for the continental struggle. Edward was not unmindful of the difficulties involved before he set out, and spent his last weeks in England drawing up, with the help of his confidants, a scheme designed to overcome them. In June 1338, with those who were to go with him on his expedition, the king took up his quarters at the Suffolk manor of Walton, near Felixstow, to await the mobilisation in the Orwell of the fleet which was to carry him and his host over the sea. There, on July 12, "after great deliberation," on the advice of the "good folk surrounding him," [1] Edward issued some remarkable ordinances, which laid down for the administration certain rules for immediate adoption, having special regard to what was to be done while the king was abroad. He then took ship for the Netherlands, sailing on July 16, and only came back to England in February 1340. After Edward's departure and the consummation of the division of the administration, the curtain falls on the first phase of his personal rule. With the administrative and military readjustments thereby necessitated, we enter another period in the administrative history of the reign.

[1] "par lauis et conseil de noz bonez gentz esteantz entour nous par grant deliberacion." See below, pp. 69-80, where the Walton ordinances are discussed in detail.

SECTION III

Administrative and Constitutional Crisis, 1338–1343

In intention, if not in effect, the Walton ordinances were perhaps the most important administrative act of the reign of Edward III. They aimed at co-ordinating the several branches of the administration, by vesting a severe executive control in the king and his immediate advisers, supplemented, in certain directions, by the co-operation of the popular courts, which were to share with the ministers in the appointment of local officers. The ordinances, under cover of a writ of privy seal, dated July 12, were sent to the chancellor in London, who was directed to have them read before " the wise men of our council," and to see that they were strictly observed. Two months later the chancery dispatched a copy of them to the exchequer, with instructions to observe them in so far as they concerned that office.[1]

Let us see by an analysis of the ordinances what means were to be taken to carry out the principles they embodied. This is not a simple task. The arrangement of the sections seems to be haphazard, several obviously related paragraphs being separated by others quite unconnected.[2] Here and there the meaning is ambiguous,[3] and we are not always helped by the marginal headings supplied in the best extant text.[4] To appreciate the general effect of the ordinances is even more difficult; yet that too must be attempted later.

The first and longest section deals with warrants for issue.[5] It is in substance a plan for securing royal control over the exchequer and the chancery by a development of the traditional system of royal warrants as the condition precedent to executive acts of state. A limited discretion had always been allowed to

[1] For the text of the ordinances see appendix to this section, pp. 143-150.

[2] Sections 1, 7 [latter part], 8 and 10, are all concerned with warrants; section 2, with the appointment of local officers; sections 3, 4 and 5, with means to make the king solvent; section 6, with escheator's duties; and section 9, with the amount of the king's debts and the income he required.

[3] As for example parts of section 2, pp. 146-147, below.

[4] Those of sections 2 and 3 especially.

[5] Pp. 144-146, below.

the chief executive departments, but any mandate involving departure from routine or alteration of policy had, since the thirteenth century, been normally justified by the issuing office quoting a definite authority, or warrant, from the crown for its action. In future, the chancery was not to authorise, nor the exchequer to make, any kind of payment, fixed fees excepted, without a specific warrant under the privy seal, in which the reason for the payment was to be stated clearly, such phrases as "for the king's secret needs" being prohibited as inadequate. The wording of the passage is vague, but it implies, firstly, that no chancery writ, ordering payments from the exchequer, was to be valid unless warranted by privy seal, and secondly, that payments might also be made on the authority of privy seals addressed to the exchequer.[1] To secure these results elaborate new machinery was devised. These warrants were to be made "with the assent of the king and of a wise and sufficient man appointed for the purpose." They were to be enrolled by a "certain clerk appointed and sworn for the purpose," and the enrolment, though brief, was to give the place of issue, day and year of the warrant, and the amount of, and reason for the payment it authorised. As a check upon this, a counter-roll was to be drawn up by "a certain clerk of the chamber assigned for the purpose," under the supervision of a "wise, sufficient and knowledgeable man" appointed by the king. At the end of every year the chamberlains of the exchequer, in the presence of the treasurer, were to account to a special auditing committee, composed of a bishop, a banneret and a clerk. The clerk of the chamber responsible for the counter-roll of the warrants, the man whose duty it was to supervise him in this matter,[2] and the clerk of the privy seal, were to bring to this audit, under their own seals and the privy seal, the counter-roll of the warrants issued.

[1] The latter course was becoming quite usual. Although chancery writs of *liberate* were still issued, and the *liberate* rolls continued, much reduced in size, until 14 Henry VI., warrants under the small seals were gradually supplanting such writs. For the history of chancery warrants under Edward III., see Dr. B. Wilkinson, "The authorisation of chancery writs under Edward III.," in *B.J.R.L.* viii. 107-139.

[2] It is just possible that the description, "celui qi serra issint assigne par le roi, come desus est dit," or "celui qe le roi auera issint assigne, come desus est dit," wherever it is used, indicates the "wise man" who was to advise the king in the issuing of the privy seal writs, but more probably it applies to the supervisor of the chamber clerk.

The chamberlains were to receive allowances only for such payments as were vouched for by the warrants of privy seal and the counter-roll. In effect the chamberlains would have to pay out of their own pockets any payments not ordered by enrolled writ of privy seal.

Following these general rules are others obviously introduced to meet the special conditions of the moment. Whenever the king was to take the privy seal away with him, and the council was divided in his absence, then, if the proceedings of the sectional councils involved payments of any kind, or execution of business for which written authority was required, the necessary warrants were to be issued by the " governors and chiefs " of those councils, in the name of the king, under their personal seals, in the form of bills modelled on the lines of privy seal warrants. The " governors " of the councils issuing warrants were to take transcripts of their bills to the king at the first opportunity. These, after examination by the clerk of the privy seal, the clerk of the chamber, and his appointed supervisor, were to be shown to the king, and then enrolled and counter-rolled, like normal privy seal warrants. After this, letters of privy seal were to be issued to the recipients of the bills, indemnifying them. Thus, ultimately, there were to be privy seal warrants for all payments. Finally, the committee of audit was to advise the king and council of the state of the treasury, and how much the issues of the land had yielded. The effect of the section was to put both chancery and exchequer into leading-strings.

The second section deals with the appointment of sheriffs and other important local officials.[1] The humiliation of chancery and exchequer was emphasised because, as a complement to the central control already expounded, there was to be established a local control exercised by the counties and towns. Henceforth sheriffs were to be " elected " for one year only, by their respective shires, from men for whom the shires were willing to be responsible. The names of the selected candidates were to be submitted to chancery for the issue of the necessary commissions, but that office had no power to question the election or to remove the appointed during their year of office. Other " great ministers " of the county, including, presumably, the *custodes pacis*, who at

[1] Pp. 146-147, below.

this time were also commonly commissioners of array, and certain subordinate county officials, were to be similarly elected, while customers of towns were to be elected by the townsfolk.[1] None of these officers were to be appointed for life.

Sections three, four and five, suggested by the immediate financial distress of the crown, limited still further the discretion of the exchequer. All exemptions from taxation were to be annulled.[2] Respite of debts and permits to pay debts by instalments were forbidden, and no royal obligations, such as bills of the wardrobe, contracted before the king's accession, were to be paid, until the king was out of debt.[3] If any person, owing money to the crown for debts incurred under the king's predecessors, wished to compound for them by immediate payment of a sum less than the full amount, the council was to be consulted, and subsequent action based on the advice it gave.[4] In future escheators were to be charged to make true extents, and to limit their operations to lands within their jurisdiction.[5]

In section seven, the system of warranty was extended at the expense of chancery, and to the limitations imposed on that office in section one, others were now added.[6] Orders for the execution of a variety of business were to have the same specific authority for their issue as the orders for payments required. After the conditions precedent to every kind of grant had been stated, and the process by which the grants were to be made explained, the crux of the matter was revealed in the provision that all such gifts, and all things else proceeding from chancery, were to be warranted by writ of privy seal. The only exceptions permitted were matters exclusively concerning the law, and those touching the office of the chancellor. Like the privy seal warrants for payment, these privy seals were also to be enrolled and counter-rolled, and every quarter the writs and their enrolments and the rolls of chancery were to be inspected and examined by the newly devised committee of audit, in the presence of the clerk of the privy seal, the clerk of the chamber responsible for the counter-roll of the privy seals for the issue of money, and the man deputed to advise him. With matters of

[1] See n. 1, p. 96, below.
[2] Section 3, p. 147, below.
[3] Section 4, p. 147, below.
[4] Section 5, p. 147, below.
[5] Section 6, p. 147, below.
[6] P. 148.

special grace, or those involving any departure from the regulations of the ordinances, the chancery was to have no concern.

Already sometimes it had been found necessary to control the financial administration of a campaign by setting up a special treasurer for the purpose. In view of the application of some such method to the war with France, the opportunity was taken to lay down, in the eighth section of the ordinances, precise rules for the financing of future wars.[1] These rules postulated both a special war treasurer and a single general in supreme command. All such war treasurers, whether clerks or laymen, were to be possessed of sufficient revenue from lay fees to make them answerable to the crown for their actions. These treasurers were to pay out nothing from their receipts, except on the written order of the general in command. At the end of his term of service the commander was to hand over to the king a roll, drawn up in the form of an indenture between himself and the treasurer of war, in which were briefly noted all the warrants he had issued. After examination by the council, this roll was to be sent to the exchequer under the privy seal, and on it were to be based the allowances made to the treasurer concerned. The cost and importance of diplomatic missions are indicated in the requirement that persons engaged on "solemn" deputations should receive no wages or allowance for expenses incurred, without written and certified warranty prepared in similar manner. In such ways the principle of a written and enrolled warrant for payment was extended from the ordinary ministries of state to the special departments of war and diplomacy.

The ultimate supremacy of the exchequer in financial administration is clearly asserted in section nine.[2] There the treasurer of the exchequer [3] is directed to find out how much the king owed to great merchants and in other large commitments, and to estimate how much would be needed to make the king solvent and to maintain his estate. The result of these calculations was to be sent to the king. This emphasis of the exchequer's general responsibility for the royal finances is the more significant,

[1] P. 149, below. [2] P. 149, below.

[3] "Le grant tresorier" can only mean here the *treasurer of the exchequer*, as distinguished from the *treasurers of war* and the *treasurer of the household*, whose duties are referred to in other clauses.

because so large a share in the business of issuing and controlling writs concerned with expenditure was to be given to household offices which would go abroad with the king.

The tenth and last section of the ordinances relates to the wardrobe of the household.[1] The treasurer of the household—not described here as treasurer of the wardrobe [2]—was to have no allowance for foreign, that is non-household, expenditure not authorised by warrant of privy seal, duly enrolled and controlled. The " counter-sums " of the expenses of the household were to remain with the clerk of the chamber, by the inspection and examination of his supervisor, already mentioned.[3] The wardrobe was to make no prests, that is, monetary advances, to non-household persons, without the king's special command by word of mouth, and a privy seal warrant. All expenses of the household were to be viewed from week to week, and from month to month.

When we turn to consider the significance of the ordinances, we are confronted with five outstanding features. One is the growth in importance of the privy seal; another is the calling in of the local administration to balance the central executive; a third is the two-fold limitation of the power of chancery and exchequer by pressure from above and from below; a fourth is the intrusion of the chamber into matters of public finance, and the last is the institution of a small supreme committee of audit. These give rise to certain questions. Did the ordinances, like so many other apparent innovations in mediaeval practice, crystallise into a written code customs established some years before? Did they represent a natural development? Did they introduce novelties and mark a new departure? The answer is that the ordinances did all these things.

[1] Pp. 149-150, below.

[2] The keeper, or treasurer, of the wardrobe was now often called " treasurer of the king's household "; for instance, Tawton is so described in 1334; *C.C.R., 1333–37*, p. 386. The earliest example I have noticed occurs more than ten years before, when Roger Waltham was officially referred to in such terms; above, ii. 267. See also below, iv. 160.

[3] P. 150, below. I am not clear what this means. It suggests either that the auditing committee, or one of its members, was to examine the household accounts, or that the clerk of the chamber, with his supervisor, were to have a special counter-roll of them. The control of the wardrobe by the chamber is a startling illustration of the growth of chamber power at this time. It is reminiscent of the minority of Henry III.; see above, i. 195-196, 200.

The principle of controlling the administration by warrant was not new, but the widespread application of it in these provisions, by which privy seal warrants were made obligatory, for all except routine business, in chancery, exchequer, and even in the wardrobe where verbal royal command had generally sufficed, does suggest that a big step forward was being taken. It could only mean that the privy seal was to be regarded as solely responsible for notification of the personal wishes of the crown, a prerogative function made all the more secure by the association of the keeper of the privy seal with the new committee of audit. The danger of the privy seal becoming an all-powerful office of state would be lessened by the fact that it normally followed the court, even beyond seas, and by the check imposed upon it in the persons of the clerk of the chamber and his director. Nevertheless the privy seal was intended to be more than an instrument of transmission.

To enlist the help of counties and boroughs for the nomination of local officers was also not unfamiliar. There were plenty of precedents for sheriffs and coroners being popularly elected by the shires.[1] Perhaps election was pushed further now than at any time earlier, but the object was not to conciliate local opinion so much as to give the crown additional power. So far from being considered dangerous to prerogative, such interference was intended to enable the king the more easily to get his own way. Edward III., like Henry VIII., was shrewd enough to set off the lesser landed gentry of the shires and the commercial classes against the magnates of church and state, who were his natural critics. The Tudor vision of a strong king, keeping a tight hold of the nobles by means of the squires and merchants, may have floated before the imagination of the royalist politicians of the fourteenth century. On the other hand, such subtleties may have been beyond the grasp of opportunists, like Edward and his courtiers, and the greatest experiment in that direction, the admission of the commons to parliament, had certainly shown that there was always a chance that the popular element might join with the magnates against the crown.

The traditional offices tended to get too much of their own

[1] W. A. Morris, *The Medieval English Sheriff to 1300*, pp. 182-185, 199-200 (M.U.P. 1927), usefully collects early instances.

way. Therefore while care was taken to allow them their recognised constitutional position, they had to be reminded sometimes of their subjection to the sovereign. There was nothing new in the attempt to confine each office to the particular work for which it existed, for multiplication and separation of departments was an essential factor in progress. All the more reason why, in face of a great military struggle, the unity of the administration should be assured by means of a common control. This control could only come from the king in person, or from the little group of his most trusted advisers. Of necessity, it would take away something from the individual liberty of the different offices.

The most unexpected and the most novel proposals of the ordinances concern the chamber and the projected committee of audit. While the chamber seems the natural instrument for the king to employ to control the privy seal on the one hand, and the chancery, exchequer and wardrobe on the other, the fact that it was given a place in the scheme of 1338 presupposes that it was rapidly growing more powerful, and that it was regarded as an integral part of the administration.[1] The committee of audit, which was to consist of three specially appointed members, a bishop, a banneret and a clerk, was clearly intended to be the keystone of the monarchical arch, with the office of the privy seal, the chamber, the king's council and the local courts on the one side, and the chancery, exchequer and wardrobe on the other. Although, therefore, the source of the new control was the household, it was to have the assistance, not only of the local courts and the king's council, but also of representatives of church, laity and civil service. The specific task of the committee was to secure the harmonious working together of the various elements of the administration in the execution of the royal will. It could hardly fail to grow conscious of the prospect before it of becoming the most powerful body in the state.

The need of a chief councillor upon certain occasions was as

[1] One is even tempted to suggest that the "clerk of the chamber" responsible for the counter-roll of the privy seal warrants may have been the *de facto* keeper of the secret seal although no mention of that seal is made in the ordinances. See for this seal below, iv. 261-264 and 276-279, and v. ch. xvii. "The Reduplications of the Privy Seal," § I. "The Secret Seal," § II. "The Griffin Seal," and § IV. "The Signet and the Secretary."

much recognised as the expediency of dividing the council,[1] but the assumption that in the king's absence there must be such an officer in charge of each section of the council seems a distinct advance. These vague and accidental chairmanships undoubtedly prepared the way for the final emergence of a permanent and official presidency of the council.

The duty placed upon the treasurer of the exchequer of supplying the king with a statement of his debts, and an estimate of the sum needed to discharge them and to provide him with funds for the immediate future, was no revolutionary measure. The preparation of such statistics postulated a systematic survey of the revenue as a whole, and, if the injunction were obeyed, would seem to mark a definite development in administrative efficiency, though there is some evidence that similar attempts had been made at other crises, notably in 1284.[2] After all, the policy was in harmony with, and a natural corollary to, the exchequer ordinances of 1323–26, just as the clauses concerning the wardrobe were a restatement of provisions laid down in the York ordinance of 1318.

Briefly, the Walton ordinances were the clearest exposition of the views of the high curialist party, whose policy always was to subject central and local administration, the administration of the king's non-English lands, and the administration of the financial side of war, to the strict control of special agents of the crown. That fact in itself suggests it was now hoped to obtain that complete restoration of household authority which had been imminent since 1332. Additional support is given to this suggestion by the personal changes in the ministry which took place immediately before and after the promulgation of the ordinances, and by the difference between the line of action pursued by the home government and the line of action followed by the government abroad. The association of the popular

[1] For example, Warwick had been "chief councillor" in 1315, Thomas of Lancaster in 1316, and Henry of Lancaster in 1327. But none of these had been a success; *Place of Edward II.*, pp. 104-106, and above, pp. 10, 22-24.

[2] I am indebted to Miss Mabel H. Mills for a reference to *Exch. Misc. K.R.* 1/23, which she shows to belong to Easter term 1284, and to be an early attempt to estimate royal revenue. For details, see her "Exchequer Agenda and an Estimate of Revenue, Easter term 1284," in *E.H.R.* xl. 229-234, where this document is printed with an illuminative commentary. See also below, pp. 240-243.

element is only another example of the radicalism of the court as opposed to the stolid conservatism of the baronage, not, as at first sight might appear, an instance of contradiction and confusion of ends and means. Ground between the upper millstone of prerogative and the nether millstone of popular control, the great offices would have become ministries only in name, if the ordinances had been as effective as they were intended.

Here we touch the real problem, to what extent were the ordinances operative ? Was a sincere attempt made to carry out any of their recommendations, and with what permanent or temporary success ? The various clauses seem to have been written down somewhat hastily, at the inspiration of a rigidly bureaucratic mind. The machinery they describe was so meticulously elaborated that its very completeness rendered it unwelcome and largely impracticable. The increasing use of the privy seal for authorising warrants has already been pointed out. It is quite clear that in this connection the ordinances gave expression to what was growing into current practice, and at the same time supplied fresh impetus to the movement.[1] But whether any effort was made to record and check those privy seal writs, and to examine the relevant archives of chancery, exchequer and wardrobe, as the ordinances directed, there appears to be nothing left to show.[2] No trace has been found of the enrolment or controlment of the privy seal warrants, or of any " bills " issued by the council, or of orders issued by military commanders-in-chief. Nor has any evidence come to light concerning the person who was to advise the king in the matter of issuing the warrants ; or about the clerk of the chamber and his supervisor to be appointed for the compilation and care of the counter-rolls, or as to the appointment, personnel and activities of the committee of audit. The most unique provisions of the ordinances were apparently never tested by experience, or if they were, they did not work sufficiently well to justify their continuance. We shall see, how-

[1] See for this Dr. Wilkinson's article already referred to. For the expansion of the activity, and the growth in power, of the privy seal, see later, vol. v. ch. xvi. That the privy seal was not, however, the only seal used to convey the royal will to the administration is patent from the parallel use of the chamber seals for that purpose. While, therefore, the spirit of the ordinances was respected, the letter of it was not. See ch. xvii.

[2] See, however, p. 101, n. 6, below, where indications are given that something of the kind was tried for the wardrobe.

ever, that a serious attempt was made to carry out the regulations touching election of local officials, the gathering in of money due to the king, and the holding of a comprehensive survey of the king's financial position. In the long run the innovations projected by the ordinances failed to endure. Whatever lasting results there were came from the clauses carrying a step further practices which had already been tried and found useful. If Edward seriously wished the ordinances to be permanent in every respect, he certainly was unable to effect his purpose. That he issued them in his usual opportunist spirit, with his eye on his immediate wants, seems more likely. The letter sent with the ordinances to the chancellor almost gives the impression that the motive underlying the king's action was to expedite the collection of the 20,000 sacks of wool, granted to him earlier, of which only 3000 had yet materialised. The striving after unity of control broke down the sharp distinction between national and household offices, but probably paved the way for that ministerial conflict which came to a head in 1340.

Clearly the policy of the Walton ordinances had been settled some time previous to their promulgation. They were a part of the elaborate preparations that were being made to expedite the king's journey to Flanders, and to secure the administration of the realm and the provision of adequate war funds during his absence. Two other aspects of these preparations were the numerous councils which heralded and succeeded Edward's departure, and the numerous ministerial changes and readjustments that were gradually brought about. So early as April 1338 two *colloquia* of knights from the shires had been held, at York and Westminster respectively, to provide for the preservation of the peace while Edward was away.[1] Moreover, while the king was still in England a "great council," including the commons and the lower clergy, was summoned to meet at Northampton on July 26.[2] This was, in fact if not in name, a

[1] *Foedera*, ii. 1013-1014. There were three or four knights from each shire, who seem an anticipation of the "four knights" who, with the coroner, were to carry out the election of sheriffs by the shires, determined at Walton. See below, pp. 93-94.

[2] The summonses were issued under great seal on June 15. There was also a conference of merchants a few days later. The chancery was at Northampton between Aug. 1 and 6, meeting in the Dominican church; *C.C.R., 1337–39,*

parliament, and is treated as such by some contemporary writers. Among other things, it considered and criticised the Walton ordinances.[1]

More important were the administrative changes which anticipated, or succeeded, Edward's voyage. Up to his departure, the administrative offices were widely scattered. The exchequer and common bench were still at York. The council[2] and the household departments had followed the king to Walton, but the chancery lagged behind them, and between June 6 and the beginning of July was established at Bramford, twelve miles away from Walton, just beyond Ipswich.[3] Some of the household officers had already been sent abroad to join bishop Burghersh in the Netherlands.[4] Archbishop Stratford and bishop Bury were employed in escorting the two cardinals from Dover back to the continent.[5] As early as the previous April a new privy seal of larger size had been substituted for the old one, as if to announce beforehand that this instrument was about to assume an added dignity, and a great "seal of absence" was ready

---

pp. 511-512, 522-524. This "great council" can fairly be reckoned as a parliament, but the contemporary phrase shows that, so late as 1338, there was no clear distinction in title between great councils of nobles and representative parliaments. Compare p. 29, n. 4, above.

[1] See later, pp. 92-93.

[2] *C.C.P., 1337–39*, pp. 458, 560.

[3] The chancery was at Bury St. Edmunds on June 5, at Lopham, Norfolk, June 6-10 (*C.C.R., 1337–39*, pp. 419, 421, 422-423), at Bramford, between June 11 and at least June 25, and again on July 7-11, *ib.* pp. 509, 510, 518. At Bramford writs were sealed and recognisances received in the parish church. Numerous writs were also issued from Ipswich and Walton. An interesting mandate to the exchequer to pay Bentworth arrears of his wages, dated Walton, July 2, and warranted "per regem," is enrolled on the close roll; *ib.* p. 442. Moreover, *Exch. of Receipt, Warrants for Issue*, f. 24, contains a writ close to the same effect, "teste me ipso apud Gypeswicum," July 2. On the same file other letters of July 2 include two privy seals dated Walton, one dated at Bury, and one great seal dated at Ipswich. Therefore we have not only chancery writs dated at three different places on the same day, but writs of privy seal at two different places, and these two further removed from each other than are the places of the chancery writs. The chancery and privy seal were itinerating independently, though in close relation to the movements of the king and of each other. This shows that, though the date of the chancery writ may well be that of the privy seal initiating it, another place may be given as the place of issue. Of course it was easy to take the seal to a place not twelve miles off.

[4] John Darcy, the steward, shared with bishop Burghersh, and the earls of Northampton and Suffolk, in the negotiations for the treaty with the Flemings, concluded at Antwerp on June 10; *Foedera*, ii. 1043.

[5] *Ib.* ii. 1045.

early in July.[1] The alarm of the Lancastrians was shown when Robert Stratford, the chancellor, their only important representative left in high office, realised that the policy adopted was incompatible with his retaining his post. Accordingly, on July 6, he sought out the king at Walton, surrendered the great seal, and begged that he might be released from the burden of the chancery.[2]

Edward at once transferred the seal to Richard Bentworth, keeper of the privy seal, who had recently been elected and confirmed bishop of London. Thus a prominent household clerk took possession of the chief administrative position in the state. When the new chancellor received the seal and was sworn in, there was significantly added to his oath a new clause that he would faithfully execute an ordinance which was soon to be delivered to him by the king.[3] Bentworth, more intent on procuring his consecration than on taking up the duties of his new office,[4] placed the seal in the care of the two chancery clerks, John of Saint-Pol and Thomas of Bamburgh, who took it back to Bramford and sealed with it the next day, July 7.[5] On Edward's earlier journeys abroad, in 1329 and 1331, he had taken his chancellor with him, but had left the great seal at Westminster in charge of high chancery clerks, who sealed writs with it in the usual fashion. The privy seal, and its keeper, however, had accompanied the king. This custom was now broken. The chancellor stayed in England, but the great seal went with the king, under the custody of the keeper of the privy seal. For home use there was made a special seal of absence. This was sent to the two chancery clerks at Bramford with directions that it should henceforth be used. On July 14 they surrendered the great seal to the king on his ship in the Orwell. By this time Bentworth had been conse-

[1] Impressions of this "aliud sigillum pro regimine regni, nobis sic in remotis degentibus" were sent round to sheriffs and justices on July 10, with instructions to exhibit them "in pleno comitatu."

[2] See above, p. 42, n. 3.

[3] *Foedera*, ii. 1047: "qui tunc praestitit sacramentum . . . de officio cancellarii, prout moris est, fideliter exereendo et de quibusdam aliis, juxta quandam ordinacionem eidem electo per ipsum dominum regem liberandam." This was, of course, the ordinance of July 12. It is most unlikely that the ex-keeper of the privy seal would have been in ignorance as to its scope.

[4] See above, p. 43.

[5] *Foedera*, ii. 1047.

crated at Lambeth,[1] and on July 19 the keepers sought him out at his house at Fulham, where they surrendered the seal of absence to him. This he kept, as chancellor, until his death on December 8, 1339. It is unlikely that Bentworth gave the king trouble by being unmindful of his special oath, but it is certain that the chief clerks of the chancery, notably John of Saint-Pol, were well schooled in the Stratfordian tradition.

The treasurer of the exchequer had been, since March 1338, Robert Wodehouse. He, like Zouch, his predecessor, was often an absentee, and was no more disposed than Bentworth to throw obstacles in the way of the execution of the king's new policy. For a long time he had been away from York, where John Charnels represented him.

Royal instructions had been issued, probably before Edward left England, that the regent was to "stay in the Tower of London, as shall seem good to him and his council." [2] This was, in effect, an order to concentrate the home administration in and about London. As soon as the Northampton council, or parliament, was over, Wodehouse proceeded to arrange for the removal of the exchequer from York to Westminster, after an absence of five years.[3] The writ of September 10, ordering the transfer, recites that the king "wishes the exchequer to be brought to Westminster, so that it may be nearer to him while he is in the parts beyond the sea." [4] The main transference was made

[1] On July 12. His chief consecrator was the ex-chancellor, Robert Stratford, acting as deputy for his brother the archbishop, already abroad.

[2] *C.C.R., 1337–39*, p. 445.

[3] See above, p. 58.

[4] *C.C.R., 1337–39*, p. 533; "Exchequer Migrations," p. 292. The Michaelmas session of 1338 was to be held at Westminster. The common bench was to resume at Westminster on the octave of Hilary 1339; *C.C.R., 1337–39*, pp. 501-502. The order for the former was issued so late that it could not possibly be completely executed before Sept. 30. However, the details of the removal in *I.R.* 303, 13 E. III. Mich. t. mm. 28-30, show that, even before Sept. 10, many exchequer officers were already at Westminster, or scattered at their homes for the vacation, and that the transfers were made only gradually. Thus the records of the receipt were removed between Sept. 25 and Oct. 4, by which latter day most of the baggage of the various departments had reached Westminster. It must have been very difficult to audit at Westminster a sheriff's accounts based upon the "proffer" normally tendered at the preceding Easter, before the arrival of "rolls of the proffer," which were only available at the later date. Apparently, however, the session began at the proper date of Sept. 29 at Westminster, but it cannot have been easy to do business until the rolls had been received, unpacked and rearranged. It is interesting that a similar dislocation

between September 25 and October 4, though a good deal was moved even before that date. The common bench followed the exchequer, and reached Westminster on December 12. Thus Westminster became again one seat of the increasingly centralised government, its other centre being, as we have seen, the Tower of London. Almost immediately after the exchequer had settled down in Westminster, William de la Zouch succeeded Wodehouse as treasurer.[1] A member of the great house of the Zouches of Harringworth, this king's clerk worked his way through the keepership of the great wardrobe and the controllership of the wardrobe to the keepership of the privy seal. Within ten years he reached the summit of his official career as treasurer.[2]

The concentration of the administration of the regency on the banks of the Thames secured the maximum efficiency possible under the prevailing conditions.[3] While it involved the not entirely unforeseen relegation of the conquest of Scotland to a secondary place, it marshalled the home forces for an approaching struggle with the offices beyond the sea, as yet not contemplated.

Besides the curb put on the treasurer by the new ordinances, Zouch was further restrained by the curialist element among his subordinates, notably by the lay chief baron, Sir Robert

---

of the autumn session had been caused by the removal to York in 1327, when the exchequer did not leave Westminster until Oct. 7. Such interruptions of the business of the Michaelmas session must have been most unfavourable to orderly official work, in 1338 as in 1327. The common bench, which had over three months to effect its removal, was spared these inconveniences. The order for its removal was issued on Oct. 1. The huge convoy required in 1338 shows the enormous development of the administrative machine; 15 carts were needed for the office of receipt, 4 for that of the "great roll," 11 for the records of the two remembrancers, and 50 in all. In 1327, 20 carts were enough to take all the rolls, writs and men of the exchequer from London to York, and also those of the common bench.

[1] Appointed Dec. 16, 1338. *C.P.R., 1338–40*, p. 195. He entered office on Jan. 14, 1339. Wodehouse never held office again, and died some five years later, his will being proved on Feb. 3, 1346; Le Neve's *Fasti*, iii. 138.

[2] For his biography see Raine's *Fasti Eboracenses*, pp. 437-449, and my article on him in the *D.N.B.*

[3] *I.R.* 303/27 illustrates from the movements of John Thorp, the treasurer's clerk, the cost and trouble of the York exchequer. Between July 2 and Oct. 6 Thorp was sent from York to the council at Northampton, thence he went to London with the duke and council, and was then sent to York "pro scaccario amouendo." These constant movements involved heavy extra expenses.

Sadington. Moreover, the king had specially appointed two royalist earls, Arundel and Huntingdon, and a sympathetic baron, Ralph Neville, to "attend the duke on the council." As Arundel had been since April "captain and leader" of the Scottish expedition, with financial independence and extensive authority over all the northern counties,[1] the sphere of the regency was almost limited to the regions south of Trent. This was natural enough, since financially the Scots war was to be supported by the northern shires, leaving the richer lands south of Trent to supply the needs of the king in Flanders.

In all the restrictive arrangements of 1338 we probably see the handiwork of William Kilsby,[2] now the most enterprising and ingenious, and, from the eve of the expedition to Flanders, perhaps also the most influential, of the king's advisers. A strong, able and unscrupulous clerk, he had won the favour of the authorities from the early part of the reign, and from 1328 onwards was the recipient of many livings and prebends in the king's gift. His real importance began when he was receiver of the king's chamber, between January 25, 1335, and July 6, 1338.[3] His extreme activity in raising money by loans and grants, and in levying ships and soldiers to fight the Scots and French, stood in strong contrast to the half-hearted measures of the king's more constitutional advisers, and doubtless secured for him his high place in the royal favour. On July 6, 1338, he succeeded Bentworth as keeper of the privy seal. We may well suspect that Kilsby had much to do with the formulation of the ordinances of Walton, whose special note was the glorification of household authority as represented by the keeper of the privy seal and by the clerk of the chamber. Moreover, on July 14, when the temporary keepers of the great seal of absence brought the real great seal to Edward on shipboard, the king at once handed it over to the care of Kilsby, who was to go to Flanders with him.

[1] *Foedera*, ii. 1029–1030. The date was April 25. Arundel then was clearly the supreme commander contemplated in the ordinances of Walton. John Charnels, deputy treasurer at York, is called on July 8 simply "the king's receiver" there. Was he the "treasurer for the Scots war" referred to in the ordinances?

[2] His name is generally written in contemporary records Kildesby: but his surname came from the Northamptonshire village of Kilsby, which is clearly identifiable with it; *C.P.R., 1334–38*, p. 528.

[3] *C.P.R., 1340-43*, p. 448; *MS. Ad., 35,181*, f. 12.

Kilsby remained keeper of the great and privy seals for the whole period of the king's sojourn abroad, and used both instruments freely. The concentration of the two seals in his hands, though justified by earlier precedents,[1] was a new departure for the reign of Edward III.[2] The result was that Kilsby, like Benstead under Edward I., was both public and domestic chancellor of the royal administration out of England. Such an arrangement must have been satisfactory, for it was adopted whenever Edward had need to leave his realm in future.

To assist him in his dual capacity, Kilsby had with him all the clerks of the privy seal, among them John Winwick,[3] a Lancashireman of whom we shall often hear again, and a certain number of prominent chancery clerks.[4] How far the two elements combined to form one staff, or whether they maintained themselves more or less independently, is not clear.

Of the clerks of chancery, there was William Ravendale, whose labours in the king's service beyond the seas were appropriately rewarded by the life-long custody of the hanaper of chancery.[5] A more important personality was Mr. John Thoresby, a doctor of civil law, who early in Edward III.'s reign had been transferred from the household of archbishop Melton to the service of the crown.[6] He is generally described as belonging to the Thoresbys of Thoresby in Wensleydale, but I suspect there

[1] See, for instance, above, ii. 68-70. But in 1286–89 both seals followed Edward I. abroad, and with them were both chancellor and keeper of the privy seal.

[2] *C.C.R., 1327–30*, p. 547; *ib., 1330–33*, p. 299; and above, p. 81.

[3] *M.B.E., T. of R.*, 203/277.

[4] In *C.W.* 248/11263, is an indented list of 28 clerks who had gone with Edward III., sent from Antwerp on July 25, 1338, with instructions to the chancery to give them an advantage over all other clerks as regards vacant benefices, by reason of their great labours. This seems a letter of "general warranty," and an ample justification for any promotions of these clerks by chancery writ. The list is not exhaustive.

[5] *C.P.R., 1338–40*, p. 403; the grant, dated Dec. 29, 1339, at Antwerp, was to come into effect at Easter 1340, after the king's return.

[6] His first living was given him by earl Thomas of Lancaster in 1320, and in 1330 he went to Avignon to urge his old patron's canonisation. Up to this date Thoresby was receiver of Melton's chamber, and in 1330 was made by his patron, treasurer's clerk in the exchequer, soon after Melton was appointed treasurer; *I.R.* 254, 5 E. III. Mich. t. Henceforth, he remained a king's clerk and before long entered the office of chancery. For the question whether Thoresby was Melton's nephew, as has sometimes been suggested, see *Fasti Ebor.*, pp. 449-494, and later, p. 215, nn. 2 and 4.

is no older authority for this than the family pride of Ralph Thoresby, the Leeds antiquary of the early eighteenth century.[1] It is almost certain that his surname is derived from North Thoresby in Lindsey, a few miles south of Grimsby.[2] His kinsmen the Walthams, and, perhaps, the Ravensers, certainly came from that neighbourhood. He was "constantly attendant on the king's business" in 1333;[3] and, since 1336 at least, he had, as king's notary, been included among the clerks of chancery.[4] His services as notary in chancery had been twice rewarded by grants, on the last occasion just before the king left England.[5] In the absence of the seniors in England, Thoresby became one of the most prominent of the group. He was early admitted to the king's council,[6] and his notarial training made him exceedingly useful in drafting the alliances with the imperial princes, which were now among the chief undertakings of the chancery officials abroad.

The chancery clerks at court discharged some of the usual chancery routine, such as receiving attorneys and recognisances,[7] but the importance of this paled before that of their diplomatic work. The special work was so exacting that Kilsby constantly had to employ foreign clerks to supplement his own scribes. Well might such a sole director of secretarial work be called the "king's secretary" in a sense more particular than that in which

[1] R. Thoresby, *Vicaria Leodiensis*, p. 185; see also his *Ducatus Leodiensis*, p. 72, for the genealogical table of the Thoresbys of Wensleydale.

[2] See later, pp. 215-216, n. 4.

[3] *C.P.R., 1330–34*, p. 471.

[4] *Ib., 1334–48*, p. 329, grant to Thoresby, Sept. 26, 1336, of forty marks a year from the hanaper until adequately beneficed, "for his services to the king in chancery and also for his office of notary, and because his stay in chancery for the said business is very convenient for the king."

[5] *C.C.R., 1337–39*, p. 363, grant of forty marks from the hanaper, "the king wishing him to support his expenses more easily in consideration of his services as notary in chancery." He was made archdeacon of London in 1339; *C.P.R., 1338–40*, p. 379. Thoresby's retinue of war of five men-at-arms, and his war wage of 4s. a day, show his importance; *M.B.E.* 203/277.

[6] *M.B.E.* 203/277, where payments are recorded "magistro J. de Thoresby, clerico, de concilio regis." I am far from convinced that this means that he was "clerk of the king's council," as the phrase has sometimes been interpreted.

[7] *C.P.R., 1338–40*, p. 192. Dr. B. Wilkinson has suggested to me that some acts of great seal, issued by Kilsby abroad, contain traces of being drafted in privy seal rather than in chancery form; for instance, French was more commonly used, and the privy seal formula "Done a Andevers" superseded the chancery style "teste me ipso apud Andewerp"; *Foedera*, ii. 1104-1105.

the description was generally used.[1] Sometimes Kilsby was actually called the king's chancellor in utter disregard of the rightful chancellor in England.[2]

Kilsby had a congenial successor as receiver of the chamber in the Holderness clerk, Thomas Hatfield, who was not only a vigorous chamber clerk but was also eminently competent to share with Kilsby the work of directing the home administration as well as that of the household abroad. The two allies were admirably qualified by ability and lack of scruple to carry out the lofty programme outlined for their respective offices by the Walton ordinances. Hatfield took with him to the Netherlands the stronger section of the chamber staff, though leaving subordinates to administer the chamber in England, and to collect money and stores. With the king went naturally the king's wardrobe, for which a new keeper had been found in William Norwell, appointed on July 12, 1338, and a new controller in Richard Nateby, appointed a few days later. Norwell and Nateby were men who had worked up their way, step by step, through the wardrobe departments. Lacking great personality, they were yet competent to conduct business on a scale unprecedented in wardrobe history. Along with these offices there was the great wardrobe and its keeper, Thomas Cross, who had had already a year's experience in office,[3] and, as queen Philippa accompanied her husband, her wardrobe also.

[1] The activities of Kilsby as keeper of the great seal can be studied in the chancery rolls. In addition to the ordinary rolls of writs for the period July 1338 to February 1340, issued by the chancellor in England, " teste custode," there was a parallel enrolment of writs issued " teste rege," in the Netherlands, nearly every item of which is warranted " per regem." These supplementary patents are summarised in *C.P.R., 1338–40*, pp. 189-197, (12 Edward III. pt. IV., " patents at Antwerp "); pp. 370-376 (" patents to magnates of Germany "), and pp. 377-410 (" patents 12-14 Edward III."), without any word as to their exceptional character. There were no corresponding overseas charters, fines or letters close. We may, however, distinguish in the scanty list of charters issued " teste custode " between 1338 and 1340 in England, those which were " by keeper and council," and those which were " by privy seal." The former are few in number, and mainly formal or confirmatory in character: the latter are clearly the result of the orders sent from Edward, through Kilsby, in the Netherlands; *C.Ch.R.* iv. 456-464. But the period when solemnly witnessed charters were abundant was already over, and business of the most important sort was freely transacted by patent. Many patent and close letters of the regency were warranted by privy seal, and therefore inspired by the government in the Netherlands, as the Walton ordinances directed. [2] See later, p. 100, n. 2.

[3] In the list of king's clerks beyond sea, in *C.W.* 248/11263, the name of Cross is given, but erased. There is no doubt, however, of his presence at

Besides the household clerks the king had an equally faithful circle of lay advisers. Some of them, the earls and barons, were more renowned for military than for consultative ability, but the king's knights were as valuable for the one as for the other, and the faithful knight easily became baron or earl, without any cooling in loyalty which went back to the days of household service. William Montague, earl of Salisbury, sufficiently illustrates this type. All through the period he was busy in his master's service in the Netherlands, both as diplomatist and soldier.

It was in diplomatic work that the highly placed ecclesiastics who attended the king found their special employment. Here the two parties were almost equally represented, for in 1337 bishop Burghersh had preceded Edward to the Netherlands, and remained there negotiating with the Netherlandish princes until his death in 1340. So attractive was such service that the elderly Yorkshire knight and lawyer, Sir Geoffrey Scrope, abandoned the chief justiceship *coram rege* to devote his last years to diplomacy and warfare.

Archbishop Stratford and bishop Bury of Durham had also preceded the king overseas, but it is clear that the former was falling out of sympathy with the king and the courtiers, and co-operation with Burghersh did nothing to allay ancient feuds. Soon Stratford was writing home to his suffragans suggesting that the liberties of the church were in danger, that the unworthy chancellor Bentworth was unlawfully taxing ecclesiastical persons by chancery writs, and that it behoved good prelates to attend parliaments constantly and strike a blow for the church against the encroachments of the state.[1] No doubt his brother Robert, his vicar-general during his absence, was giving similar advice.

The heaviest share of the burden of governing which fell upon lay shoulders was borne by men of comparatively humble rank. Conspicuous among the king's knights, who were the fellow-workers of Kilsby, Hatfield and Norwell, was a little group of

---

Antwerp. Some clerks, like Robert Watford of the privy seal office, went abroad later, apparently in Feb. 1339; *ib.* 251/11502.

[1] See the remarkable letter of Stratford to Ralph of Shrewsbury, bishop of Bath and Wells, dated Antwerp, Mar. 24, 1339, printed in *Registrum Radulphi de Salopia*, Somerset Record Soc. ix. 357-358 (1895).

men whose close comradeship was based on a common policy of absolute support of the king. At their head were the two chief lay officers of the household: John Darcy,[1] steward of the household from 1337 to the end of 1340, and Henry Ferrars, for the same period king's chamberlain. After them we may reckon the energetic and unscrupulous knight of the chamber, John Molyns, an old *protégé* of Salisbury. Molyns had won the king's confidence when a simple yeoman of the chamber, and had established himself by marriage with the heiress of the Poges of Stoke Poges.[2] From 1337 he had been surveyor of the chamber, and in 1338 he was in continual attendance on the king.[3] He so willingly co-operated with Kilsby in raising money and soldiers for the king that he was soon raised to the status of banneret.[4] They had the support of men of higher rank, such as the two younger sons of the house of Warwick, John and Giles Beauchamp, Walter Manny, the valiant Hainaulter, now definitely established in England, Reginald Cobham and Nicholas Cantelupe. Behind them all was the influence not only of Salisbury but of William

[1] The John Darcys of the period are very puzzling, but the ramifications of the Darcy family have been carefully worked out in the new edition of the *Complete Peerage*, iv. 51-58. John Darcy, the steward, at first is generally called "le neveu," but by Jan. 1340 "le cosyn" (*C.P.R., 1338–40*, p. 407), to distinguish him from his cousins Philip and John and the former's son, Norman Darcy of Nocton, who were Lancastrians. He is later distinguished from his son of the same name by being called "le piere." He was the son of a younger son of the Lincolnshire house of Darcy. Both John Darcy "le piere" and John Darcy "le filz" were abroad with the king in 1338–40 (*C.C.R.* xiii. p. 523), and also from June to Nov. 1340, for Murimuth, p. 116, mentions John Darcy "filius" among those landing with Edward III. at the Tower, and does not mention the father. It seems clear, however, that the steward was John the elder. If Murimuth's list could be trusted as exhaustive, this younger Darcy might have been the John Darcy appointed chamberlain. John Darcy "le piere" died on May 30, 1347; *Cal. Inq.* ix. 31-34, which give dates varying from May 23–31, but four out of seven say May 30. John Darcy, his son, was then of full age, and variously described as "aged 24, 29 and 30 'or more'." Even if 30 in 1347, he must have been a very young chamberlain by Dec. 1340, so that the argument from Murimuth's silence must not be pressed. I shall, therefore, assume that the father was successively steward and chamberlain. The son's employment in subordinate chamber work in the early forties confirms this view; see later, iv. 271, 273, 274.

[2] Molyns was "valettus regis" by 1334, and married by 1331 to Egidia (Gill) Poges; *C.F.R.* iv. 281, 312, 315.

[3] For his relations to the chamber, see later, iv. 243-244, 267, 296, n. 2; *C.P.R., 1338–40*, p. 62; *ib.* p. 8 shows he had licence to crenellate his London house in Baynard Castle ward.

[4] *C.P.R., 1338–40*, p. 402. This is a grant, dated Dec. 12, 1339, giving Molyns £100 a year from the exchequer to support his state as a banneret.

Bohun, earl of Northampton. These men, with the leading clerks, formed the king's council in the Netherlands. More than two years' constant working together in field and council stiffened their policy and cemented their friendship.

The final result of the division of the ministry in July 1338 was accordingly the establishment of an organised and exclusive court party, such as England had not known since the days of the Despensers. This party, confident of royal support, aspired to dominate the ministry at home, looking upon it as mainly useful for providing the money which the king was to spend, and expecting it to carry out implicitly all orders received from abroad.

The parallel ministries, though moving within certain limits, possessed fixed headquarters. After the Northampton council, the home government settled down at Westminster and the Tower, regarding comparative immobility in London as the more convenient, and boasting that the profound peace of the country made it unnecessary for the chancery to itinerate.[1] Antwerp was the chief centre of the king's court from August 1338 to February 1339, unless diplomatic or military considerations necessitated some change. Even when Edward made his famous journey to Coblenz to meet Louis of Bavaria, a large section of the household remained behind at Antwerp.[2] Thus Antwerp became the second seat of government, and the offices collected there commandeered for their use many houses in and about the castle, and the Premonstratensian abbey of St. Michael's, where the king and queen were lodged.[3]

It was not as easy to divide the functions of the two branches

[1] See the answers of the home government to suggestions from abroad in the paper printed in Baldwin, *King's Council*, pp. 478-479: "Au primer point soit respondu qc la pes est bien garde, Dieu mercie, et qe par celle cause nest pas mestir que la chauncellerie soit mouante per le pais. Item ouesqe ce soit dit qe, si le chaunceller et la place et les autres du conseil feussent seuerez, les busoignes le roi serroient desespleitees, desicome tut de conseil ne suffit mie de espletter ses busoignes." The official doctrine seems to have been that a travelling chancery helped to keep the peace. The distinction between the chancellor and his office ("la place") is suggestive.

[2] *M.B.E.* 203/82, shows many of the "familia regis," and 266 horses remained at Antwerp "retro regem." The king himself was only absent between Aug. 16 and Sept. 12.

[3] See later, iv. 103, for details. *Foedera*, ii. 1102, shows that St. Michael's abbey was the royal lodging, and remained so until the end of the king's visit. There Lionel of Antwerp was born and baptised.

of the government as it was to divide their quarters. The king had crossed over without money in the hope that all he wanted would speedily follow him, but his expectations were never adequately realised. The exchequer got to work slowly, and then with little practical result. If sending out peremptory or persuasive writs had been enough, both exchequer and chancery did their best. But in the absence of the royal authority, gentle and simple alike found every excuse for disregarding orders. Wodehouse did what he could, and between July and December, when he left office, receipts from the exchequer, amounting to nearly £28,000,[1] were booked by the wardrobe in Brabant. This was not considered satisfactory, and it was probably in consequence of the scanty total that Wodehouse was replaced by Zouch in December.[2] Under the new treasurer the stream of supply flowed still more fitfully, and Zouch's contribution, for the whole of the time he was in office, hardly exceeded that of Wodehouse for the first six months of the campaign.[3]

The exchequer was only one of several instruments for raising money. It had nothing directly to do with the collection and the sale of the 20,000 sacks of wool, voted long ago by the Westminster parliament. On this wool subsidy the king placed his chief reliance. As soon as he reached Brabant, Edward had appointed special supervisors to deal with it.[4] But his efforts to realise this potential source of income were attended with little success. It was in vain that the staple at Antwerp was organised under William Pole as its mayor.[5] Of this staple the wardrobe at Antwerp was in a sense the treasury, for all the officials and warriors, who received licences to export defined quantities of wool to the Netherlands, were always instructed to take their wool to Antwerp to the staple there and "pay custom and subsidy to the keeper of the wardrobe at the same staple."[6] Despite or perhaps because of such grants, the wool came in with extreme slowness.

[1] *M.B.E.* 203/10. The exact receipt was £27,670 : 17 : 2½.

[2] *C.P.R., 1338–40*, p. 195; an Antwerp patent of Dec. 16.

[3] *M.B.E.* 203/25. The sum, for the whole of Zouch's time, Dec. 1338 to May 1340, was only £35,878 : 2 : 7½. For the last four months Edward was back in England.

[4] *Foedera*, ii. 1054.

[5] *C.P.R., 1338–40*, p. 189. This was on Aug. 4, 1338.

[6] *C.F.R.* v. 146, 147, gives instances. Thus licence in 1339 was given to Molyns for 80, Kilsby 40, Cusance 12, and Otto Grandison, 10 sacks of wool.

What came was largely damaged and unsaleable, and the king had already overpledged what he hoped to receive from the wool subsidy for payments to his foreign allies and for the expenses of his army and travels. In such circumstances the king could barely pay his way, even with the help of reckless borrowings on an unprecedented scale from any quarter willing to lend to him. The result of all this was a series of bitter reproaches sent from Antwerp to Westminster.

The home government was working against no small odds. Until the exchequer had completed its removal from York and had put its affairs into some sort of order in Westminster, it was not in a position to pay much attention to the financial recommendations of the ordinances of Walton. It was also hampered to some extent by the attitude of certain people to those provisions. At the council of Northampton, several of the magnates had declared that *estallementz* had never been suspended within the memory of man, and that traditional methods could not be changed except with the consent of the barons, and that in parliament.[1] This indirectly impugned the legality of the ordinances, and voiced the feeling against any deviation from the customary treatment of debtors to the crown. Curtailment of privileges could only be a temporary expedient of doubtful value. Nor does it appear that practice in regard to debt and taxation was greatly modified, though undoubtedly both chancery and exchequer tried to get money, due to the king, paid more punctually.[2] The preliminary to an understanding of the true state of the royal finances, and to any attempt to put them into working order, was a careful scrutiny of exchequer records. Although some investigation was contemplated in order to find out how much was owing to the crown,[3] it is doubtful whether the exchequer ever made this, much less undertook a more general analysis. Only with the results of a complete search before him, could the

[1] Baldwin, *u.s.* p. 478: "queux choses sanz assent des grauntz et ce en parlement ne rien ne deuoient estre changees." Probably one of the chief tasks of this council was consideration of the Walton ordinances. The words suggest that the statements were made in answer to a direct appeal for an opinion.

[2] Something might be learnt from an intensive study of the memoranda rolls for 1338 and 1339, especially the memoranda of "breuia retornabilia" issued by the exchequer, and a comparison of their evidence with that of the memoranda rolls for one or two preceding years.

[3] *M.R.K.R.* 115, breu. dir. bar., Mich. term, m. 3d.

treasurer make any useful estimate of the king's future requirements, or an authoritative pronouncement concerning his unpaid debts. A recently discovered fragmentary exchequer document shows that for the year 1339–40 a summary of the totals of receipts and issues, based on the receipt and issue rolls, was actually compiled.[1] Some development of this sort seems almost a necessary stage in the striving towards that strength of exchequer control which was attained in the days of treasurer Edington.[2] Unfortunately little evidence of it has survived. Apart from this one fragment, no similar documents have been found, except for another crucial period twenty years after,[3] although one would think a review of revenue and expenditure would have been needed every year.[4]

One of the most unpopular of Edward's attempted retrenchments was openly flouted. In September 1338 the exchequer was instructed that payment of the annual fees of all officials was to be suspended until further notice, unless the ministers had no other means of support. The money thus saved was to be diverted to the king's immediate use.[5] The mandate seems to have been entirely ignored, and a second order to the same effect, issued from Antwerp on May 6, 1339,[6] drew forth the reply from the council that the officials concerned threatened to resign their offices in a body if deprived of their salaries.[7]

By the time of the Northampton council, it was resolved to give effect to that part of the ordinances which provided for the election of local officers. As early as August 20, 1338, writs of chancery instructed a commission of the coroners of every county, and "four good knights and others," to elect a fit person to be sheriff, and certify the crown of their action,

[1] *P.R.O.*, unclassed fragment. For knowledge of this, I am indebted to Mr. Hilary Jenkinson. Such totals were not, however, of great use, because they included many book-keeping transactions having nothing to do with the king's real income and expenses. [2] See later, pp. 204-205.

[3] See later, pp. 240-242; and *E.H.R.* xxxix. 404-419.

[4] *E.H.R.* xxxix. 417. If a tradition was being observed, it is curious that other memoranda of the same kind have not come down to us. Probably the explanation is that such documents were looked upon as of only transitory value, and, once submitted to the treasurer or to the king, would be destroyed.

[5] *C.C.R., 1337–39*, p. 467; *M.R.K.R.* 115, breu. dir. bar., Mich. t. m. 3d.

[6] *Foedera*, ii. 1080-1081. Cf. Baldwin, u.s. pp. 476-478.

[7] Baldwin, u.s. p. 478: "Et dient apertement qe si lour fee soit retret, ils se retrererrent de lour service."

so that the king could appoint the chosen sheriff.[1] Similar orders were, on September 7, directed to the mayor, bailiffs and communities of thirteen of the largest cities and towns, to elect collectors and controllers of customs in their respective ports, to acquaint the king with the names of the elected, and to see that such persons went to chancery to take oath and receive their commissions.[2]

As far as the sheriffs were concerned, the mandates were largely disregarded. Only six shires, constituting three sheriffdoms, took the trouble to elect their sheriffs and present their names to chancery for appointment.[3] In 1339 these three grouped shires again elected their sheriffs, and a fourth group then followed their example.[4] The writs had been sent out with little discrimination in the first place, for the county of Rutland had received one. The returning officers pointed out that, as Rutland was a liberty in which the nomination of sheriff to the exchequer appertained to the lord of the castle of Oakham,[5] then Hugh Audley, earl of Gloucester,[6] they had no power in the matter.[7] Edward soon showed himself opposed to the policy of elective sheriffs, and tried to saddle the magnates of Northampton with responsibility for a course of action prescribed, presumably, with his goodwill. In November he wrote from Antwerp to the chancellor, reciting, almost with indignation, how he had heard that the chancellor and council at Northampton had directed " that all sheriffs of our realm be elected by men of the shires in which they are to act, and in no other manner." But, because the earl of Derby and Henry Ferrars, the chamberlain, had borne witness to the loyalty and good sense of Sir

[1] *C.C.R., 1337–39*, p. 463. [2] *C.C.R., 1337–39*, p. 501.

[3] Surrey and Sussex, Somerset and Dorset, Cambridge and Huntingdon; Dorothy Hughes, *Social and Constitutional Tendencies in the Early Years of Edward III.*, pp. 62, 68; *C.F.R.* v. 92, 94, 96, 144, 146, 154; *Foedera*, ii. 1090. The coroners and four knights, or " four of the richest and most honourable men of the shire, if no knights were present," were the executive agents of the elections. At the Cambridge-Huntingdon election, four knights, five persons, named, " et quidam alii," " noluerunt alicui eleccioni consentire " ; *Chanc. Misc.* 92/2.

[4] Essex and Hertford; *C.F.R.* v. 144.

[5] " et vicecomes de feodo racione dominii illius castri."

[6] " loco suo."

[7] " Et ideo non pertinet ad nos ad aliquem vicecomitem in dicto comitatu eligendum " ; *Chanc. Misc.* bu. 128, file 1, No. 15 from end. Professor Bertha H. Putnam kindly drew my attention to this and other similar writs: for instance, *ib.* bu. 92, file 2, No. 15 and No. 3 from end; *ib.* bu. 98, file 3, No. 5 from end.

Roger la Zouch, sheriff of Leicester and Warwick, the council was to suffer him to remain in that office until the king's return to England, unless removed for reasonable cause certified to, and approved by, the king.[1] At the same time Edward sent another mandate to the effect that Thomas Wake of Blisworth, sheriff of Northampton, should be continued as sheriff because he was serving with the king beyond seas,[2] and later he issued a similar order in favour of the sheriff of Stafford.[3] It was hardly to be expected that the home ministry would be eager to enforce a system clearly designed by the courtiers to be a check upon their discretion. The king's manifest disapproval of it gave them ample justification for slackness. No sheriff was elected after December 1339, though some elected sheriffs were allowed to remain in office. Within less than a couple of years from the issue of the ordinances, statutory legislation put the appointment of sheriffs into the hands of the exchequer,[4] thereby reverting to the old custom, but keeping the office an annual one, although the king reserved the right to reappoint any whom he wished. It is not improbable that there were elections of *custodes pacis* even before any sheriffs were elected. This method of selection was certainly tried soon, and in some shires continued until 1345, long after election of sheriffs had been abandoned and much else of the Walton ordinances buried in oblivion. The names of the candidates were sent to chancery, which usually, though not invariably, appointed the nominees.[5]

[1] *C.W.* 249/11354, is worth quoting: "Nous auoms entenduz coment au darrein counseil tenuz a Northampton ordene fust par vous et autres de nostre counseil, qi illoeqes estoient, qe touz les viscountes de nostre roialme feussent esluz par gentz des countez ou ils serroient et nemye en autre manere, mes parce qe le . . . counte de Derby et monsieur Henri de Fereres, nostre chaumberlein, ont tesmoigne . . . qe monsieur Roger la Zouch, nostre visconte de Leycestre et Warrewik, se ad bien et loialment porte deuers nous . . . si vous mandoms qe le dit monsieur Roger soeffroez tenir le dit office en pees, sans estre remue tanq a nostre reuenir en Angleterre," etc. The chancellor was therefore to order the exchequer by writ "quils le soeffrent demorer en le dit office." This is a privy seal, dated Antwerp, Nov. 3, 1338.

[2] *Ib.* 249/11355.

[3] *Ib.* 249/11392.

[4] *Statutes*, i. 281-283.

[5] I have to thank Miss Bertha Putnam for evidence of the generality of the practice. The shires sent in "petitions" to the crown, some of which still survive in the P.R.O. (for example, *Ancient Petitions*, 107/5327, 115/5741, 142/7077), and then the chancery later made the appointment by patent: *e.g. Chanc. Misc.* 33/9. The identity of phrase in these professedly local requests makes one rather suspicious of their absolute spontaneity. There are such returns for nineteen counties, but in only eight is there this description: "Ces

By November 1338 it was possible to ratify elections of collectors of customs,[1] but there resulted no increased flow of good wool to the continent, and little of what was exported paid customs in England. The king's merchants, ministers and soldiers were allowed to export wool on their own account, on condition of paying custom, when it reached Antwerp, to the keeper of the wardrobe, who thus usurped the functions of the exchequer.[2] It was small compensation to the exchequer that it was called upon now, as in the thirteenth century, to discharge some of the duties of the absent wardrobe and the great wardrobe.[3]

Vigorous efforts were made to keep the two governments in touch with each other. An endless stream of letters of great and small seals instructed the government at home how to deal with each detail as it arose. The chancery received the minutest directions,[4] and the exchequer was constantly ordered to pay moneys for war expenses contracted in the Netherlands, which the king's resources on the spot were inadequate to meet.[5] In

---

sunt les nouns qe sunt ellutz des mieuxs vauetz demorauns en le dit counte pur la garde faire de la pees." "Seven out of the eight *bona fide* election returns," writes Miss Putnam, "correspond to seven of the eight counties in which sheriffs were elected, and one of my additional finds (almost certainly an election), corresponds to the eighth. Long ago I found lists of elected keepers of the peace in Lancashire, but they are for later dates, 19 and 24 Edward III.; *Chanc. Misc.* 65/1, and *Ancient Indictments*, f. 56."

[1] See, for instance, *C.F.R.* v. 105. It showed initiative when on Sept. 30, 1339, the regency set up a new collectorship of customs, with cocket seal, at Carnarvon, whence up to that time wools had been exported to the north without payment of customs; *ib.* 145. I cannot find that the two Carnarvon collectors were chosen through any form of election before they received their commissions.

[2] *C.F.R.* v. 106-109, and *C.C.R., 1337–39*, pp. 564-569, give a large number of instances.

[3] The exchequer paid the wages and provided the robes of such household officers as the marshal of the hall; *C.C.R., 1339–41*, p. 175; cf. *ib.* pp. 76, 115, for other examples. None are of real importance.

[4] See *C.W.* ff. 248-259, for great seal warrants during the king's absence abroad.

[5] *Exch. of Receipt, Warrants for Issue*, ff. 22-28, contain writs from 12 to 15 Edw. III. A good many are simple writs of liberate "teste custode," but the majority are under the privy seal. The issue rolls for these years show what an enormous proportion of exchequer issues were on account of wardrobe expenses in the Netherlands, payable to the keepers "by the hand" of some accredited agent. In effect the exchequer was expected to pay whatever liabilities the king incurred. In many cases it noted, on the back of the warrant, the date of the payment or the book entry liquidating the claim. These "warrants" have been recently rearranged in rough chronological order, so that old references can only be verified with difficulty. Those using them

this and in similar ways the hands of council, exchequer and chancery were in every way tied. Not only was their discretion limited; it was fettered by the special commissions in whose hands the levy of the extraordinary taxes was placed; by the hostility of the magnates, as well as by the suspicions of the king. Early in 1339, a new burden was imposed upon the administration in the shape of a levy of troops for coast defence,[1] since a French fleet threatened to invade England and to cut off the king from his base.

Long articles of inquiry were sent by the king to the council in England, and elaborate replies to each query were solemnly returned to Antwerp.[2] They clearly show the authorities at cross purposes, and each seems to make out a good case against the other. The men in Brabant had a real grievance in not receiving the wished for supplies. But the English council had a good answer when it disclaimed any blame for the failure. "It is the fault of the collectors, receivers and customers, whom the treasurer cannot bring to account nor the chancellor by his writs, for as soon as orders are sent them to render accounts, they cross the sea and remain under the protection of the men who are there."[3] The remedy suggested by the council was for the king to send over "some great bishop or other magnate," or to summon a parliament. Among the surviving correspon-

---

should be warned that the new arrangement has been rather carelessly done, the dates taken being sometimes the date of the warrant, but sometimes that of the exchequer payment. Too much stress must not, however, be laid upon the difference between exchequer and wardrobe payments. It was all a matter of rather elaborate and tortuous book-keeping. When the exchequer paid one of these wardrobe obligations, it debited the wardrobe with the sum paid, and recorded the payment as "by the hand of" the recipient. It was much more after this fashion than by sending cash beyond sea that the exchequer played its full part in meeting war expenditure.

[1] *Foedera*, ii. 1070–1072.

[2] Two such documents are printed in Baldwin's *King's Council*, Appendix I. pp. 476-478 and pp. 478-479. The former is also printed by Hughes, u.s. pp. 237-241. But neither version is quite complete. Miss Hughes has also printed, pp. 242-245, extracts from the answers of the council to fifteen articles of inquiry by the king, which seem to belong to July 1339 or a little later. The method of partially printing such documents as these three is not very satisfactory, notably in not affording the student all the material for determining the dating from internal evidence. They all come from the P.R.O. collection officially described as *Chancery; Parliamentary and Council Proceedings*, 7/7, 9 and 10.

[3] Hughes, u.s. p. 244.

dence between the two administrations are some notable letters in which Molyns expounded to the treasurer the royal wishes.[1]

Besides this interchange of written inquiries and answers, there was frequent personal communication between the two administrations. Constant messengers from the king crossed over the North Sea. First John Charnels was dispatched;[2] then Sir John Molyns went to England three times within five months,[3] and Mr. Robert Askeby was sent five times within one year.[4] Contrariwise, William of Cusance was ordered by Edward to Brabant for a stay of over three months,[5] and even treasurer Zouch was summoned to the Netherlands to justify his conduct. To make it easier for the treasurer to go, Robert Sadington, chief baron, was in June 1339 appointed his deputy during his absence.[6] The council expressed its regret that Zouch should be called abroad, but announced that he would come as soon as he could. Before it had dispatched the letter, Edward changed his mind, and the council, crossing out its remonstrance, declared its "great joy" at the treasurer being excused the journey.[7] In November 1339, John Thorp, an exchequer official, was sent by the keeper to the king to inform him as to the state of affairs at home, and on his return to report to keeper and council the things ordained by the king and his council in the parts beyond the seas.[8]

Edward had at last realised that he was working on wrong

[1] For instance see the answer of Wodehouse, the outgoing treasurer, to Molyns, written on Jan. 6, 1340, after Bentworth's death. Wodehouse wrote in a very intimate way to his "tres chers amis," and recorded the demands of some Almaine merchants, adding, "il semble a moi qe homme leur doit deliure en la plus belle et courtoise manere qe hom sauera"; *A.C.* xlii/133.

[2] *M.B.E.* 203/183. On Feb. 15, 1339, Charnels was called "keeper of the treasury in parts beyond sea"; *C.C.R., 1339–41*, p. 26.

[3] *Ib.* "Domino Johanni de Molyns, misso per regem de Brabancia vsque Angliam tribus vicibus, videlicet mensibus Sept. et Nou., anno xii°, et mense Feb., anno xiii°."

[4] *M.B.E.* 203/188. These were (*a*) 34 days in March and April, (*b*) 39 days in Aug. and Sept., (*c*) 44 days in Nov. and Dec., all in 1339, (*d*) 45 days in Jan. and Feb., (*e*) 48 days in March and April, both in 1340.

[5] *Ib.* 203/185. "Domino Willelmo de Cusancia, clerico, venienti de Anglia vsque partes Brabancie ad regem per speciale mandatum suum." Cusance was paid 20s. a day for this mission, which lasted from Oct. 31, 1339, to Feb. 8, 1340.

[6] *C.P.R., 1338–40*, p. 387 (June 25 at Vilvorde), to act during the absence of Zouch, "who has been summoned to the king beyond the seas or until further order." A duplicate commission was made out in favour of Richard Ferriby.

[7] Hughes, u.s. p. 242.

[8] *C.C.R., 1339–41*, p. 291.

lines, and meditated a change of policy. A council, chancery and exchequer, coerced and in leading strings, could not act with vigour sufficient to keep the king's coffers supplied. After some sixteen months of inaction, Edward had made up his mind to invade France with armed force, and supplies became more than ever necessary, both to maintain the army in the field and to bribe greedy allies into a semblance of activity. The magnate opposition was not quite silent, even in the council chamber at Antwerp. Archbishop Stratford was still there to voice his profound discontent with the king's methods, and there is little doubt but that many of the barons, fretting at their purposeless idleness in Brabant, were in cordial sympathy with the primate. The king's game was up when his chief financial backer, William de la Pole, showed signs of making common cause with Stratford. Pole had advanced the king more money than any other English capitalist, and, as mayor of the Antwerp staple, had done his best to supply the king's needs. He had had his reward in numerous grants and concessions, including even the dismemberment of the chamber franchise of Burstwick in his favour.[1] It may well be presumed that he saw that the king's initial policy had reached its limit.

Diplomatic and military preparations matured slowly in the midst of financial embarrassments. They were apparently in the hands of a select inner council of four, namely, Henry Burghersh, bishop of Lincoln, William Montague, earl of Salisbury, William Kilsby and Sir Geoffrey Scrope. But the allies refused to move until further concessions had been made to them. At last a draft treaty, concluded on May 19, 1339, at Brussels, showed how far Edward would go in order to bring them up to the mark. In this important document the king bade all men know that, to give himself power to take the field, he had appointed his brother-in-law, William, marquis of Jülich, as "our privy and very special sovereign secretary of our council, and of all our business which touches us both on this side of the sea and beyond it."[2] With the marquis, but subordinate to

[1] *C.P.R., 1338–40*, pp. 193-194. This grant of Nov. 10, 1338, was renewed in Sept. 1339; *ib.* pp. 393-394. It was surrendered in 1354; *ib. 1354-58*, p. 159.

[2] This document is in *Chanc. Misc.* 30/8. Its words are: "nous auoms le dit marquis . . . fait . . . nostre priue et tres especial souuerain secretaire de nostre conseill et de toutz nos bosoignes qui nous touchent, tant per dela mer

him, were associated the four councillors already mentioned. The king promised to abide by the advice of the five, and especially by the counsel of the marquis.[1]

With his submission to the foreigner, Edward perhaps found it more necessary to stress the pre-eminence of Kilsby as the chief of his overseas administration. Certainly, as keeper of both great and privy seals, Kilsby had naturally taken the lead in the negotiations with the allies, and Edward enhanced this position by definitely describing Kilsby as "our chancellor," regardless of the feelings of bishop Bentworth.[2] By the double surrender to his own minister and to his exacting ally, Edward at last gained his object, and two months later was able to enter upon the campaign of the Thiérache. To carry this through he had to concede another point to his rebellious advisers in England. In a patent issued on September 29 at Marcoing, the first French town he occupied in this campaign, he announced the complete abandonment of his earlier home policy. By this document, archbishop Stratford was given, in the English regency, the same paramouncy that had already been accepted by William of Jülich in the royal counsels for England and the Netherlands alike. He was formally appointed "principal councillor to Edward, duke

---

comme par decha." The document has lost its seals, but the slits remain where the seals of the king and the other four councillors were placed. The marquis did not seal, and the document was clearly intended for his satisfaction. I am indebted to Mr. V. H. Galbraith for calling my attention to this important result of Kilsby's activity as keeper of the great seal. How far it was effective I do not know, but it did not lead to any permanent result, for, when in 1340 the marquis was created earl of Cambridge, nothing was said about his position as chief councillor; *Lords' Reports*, v. 40; *Foedera*, ii. 1124. For other remarks on this creation, see later, p. 137.

[1] "principalement et souuerainement et dautres les quatre de nostre counseill."

[2] *Chanc. Misc.* 30/8. "Willame de Kylzby nostre chancellier." It was not at all unusual, however, on the continent, for any seal bearer to be called a chancellor, and in Aragon, chancellor of the secret seal was a recognised title. See above, i. 155, n. 1. In 1333, in a remarkable characterisation of bishop Bury, Petrarch called him "quondam regis Anglorum cancellarius"; *Petrarchae Epistolae Selectae*, ed. A. F. Johnson, p. 10. Bury gave up the privy seal to go to Avignon, and "cancellarius" here clearly means "keeper of the privy seal." Petrarch's contempt for "barbarians" may excuse his technical ignorance, but he stumbled by accident on a truth. Compare later, p. 226, for Winwick's description as chancellor in the treaty of Brétigni. The keepers of the privy seal of the Black Prince were regularly called his chancellors. See also later chapters on the privy seal and on the Black Prince's household.

of Cornwall, keeper of the realm." [1] William de la Pole was made secondary baron of the exchequer,[2] with a special obligation to safeguard the interests of those who had, by advancing money under bonds, saved the king from "dangerous delay" in France. With this object the new secondary was ordered to supervise all exchequer receipts, and to devote them strictly to the discharge of these particular loans. A further series of lavish grants encouraged the Hull financier to activity.[3] At the same time, Stratford and Pole were empowered, jointly with bishop Bury, to proceed to England and explain to a full parliament the king's financial distress, and to solicit from it a remedy.[4] Next day, an indenture was drafted by which power was given to the three emissaries, in conjunction with the former chiefs of the duke's council, to discharge by various devices the debts incurred by the king beyond seas.[5]

In substance the old regency was combined with the heads of the baronial opposition that had ventured to speak out even in the Netherlands. All attempts to keep the home government in leading strings were relinquished, and that in effect meant the abolition of some part of the policy laid down by the Walton ordinances, whose provisions proved in practice to work both for and against the king's interests.[6] Even the trusty generals

[1] *C.P.R., 1338–40*, p. 394. If William's councillorship ever meant anything, the effect of Stratford's nomination was to restrict his exercising authority in England.

[2] *Ib.* p. 394. This is the first instance of a lay "secondary baron."

[3] It was now that the Burstwick grant, above p. 99 and n. 1, was renewed. Now also Pole was granted the houses in Lombard Street, London, formerly in possession of the Bardi, see later, iv. 402-405. Pole was reappointed secondary baron by keeper and council on Oct. 28, and admitted on Nov. 10; *M.R.K.R.* 116, com. rec. Mich. t. A curious grant was that to Catherine, Pole's wife, of license to marry after his death whomsoever she would of the king's allegiance. This was done at William's "instant supplication"; *C.P.R., 1338–40*, p. 386. Pole was also allowed, "at the end of the king's present voyage," to "enjoy henceforth his own fireside at his pleasure"; *ib.* p. 386.

[4] *Foedera*, ii. 1091.

[5] *Ib.* ii. 1091-1092. To Stratford, Bury and Pole were added the regent, the chancellor Bentworth, the earls of Arundel and Huntingdon, Henry Percy and Ralph Neville. Of this group any four could act, provided that the regent, the archbishop and Ralph Neville were three of them. It is difficult to see how the pettifogging expedients, suggested as a means of raising the wind, could ever have done any good, considering the amount of the king's debts.

[6] Some provisions of the ordinances seem, however, to have been observed later, notably a more general use of warrants for chancery and exchequer writs, and the double certification by bill under the seal of the keeper of the wardrobe

of the king united with the baronial opposition to destroy the work of Kilsby and his crew in 1338. It is significant that the concessions which consummated this change of policy were made, as the writ tells us, at the instance of William Montague, earl of Salisbury, the intimate personal associate of the king, and a member, moreover, of the *camarilla* of five to whom Edward had handed over the control of his foreign policy.[1] Edward III. was learning, for the first time but not for the last, that a king, who pledged his credit to the uttermost in the quest of foreign glory, needed help alike from foreign allies and from friends at home. To gain domestic support he must adopt a policy approved by his magnates and commons.

Stratford had at last won back more than his ancient authority. He was now the "governor of the council," spoken of in the Walton ordinances. Men called him *domini regis patricius*.[2] He was *dux regis* as well as principal councillor.[3] His position excited much envy, and seems in some measure to have turned his head. Visions extending far beyond politics began to loom before him. The successful wordling dreamt of renouncing mundane pursuits and emulating the example of his predecessor, St. Thomas, by standing forth as the champion of the liberties of holy church.[4] But the politician controlled the enthusiast, and the disciple of St. Thomas did not scruple to use his authority to promote his own interests. When, on December 7, chancellor Bentworth died, Stratford secured the election and confirmation of his nephew, Ralph Stratford, to

---

and by a roll under privy seal sent into chancery. See, for instance, *C.C.R., 1339–41*, pp. 523-526, where very large sums for war wages, incurred in the expedition beyond seas, were ordered to be paid by Edington, receiver in the north, "as may appear by bills under the seal of Norwell, late keeper of the wardrobe, and by a counter roll under the privy seal sent into chancery." These orders were dated June 1340, and, therefore, for long arrears of wages.

[1] The power to remit debts and restore the chattels of fugitives by reasonable fines was granted, "instanti supplicationi dilecti et fidelis nostri, Willelmi de Monte Acuto, comitis Sarum et marescalli Anglie, qui propter hoc erga nos diu institit et instanter"; *Foedera*, ii. 1091.

[2] Avesbury, p. 324.

[3] Dene in *Anglia Sacra*, ii. 375, "dux regis et ejus consiliarius principalis."

[4] His zeal for St. Thomas went back further than his primacy. In 1331, when still bishop of Winchester, he had founded a chantry in the parish church of Stratford-on-Avon, dedicated to St. Thomas of Canterbury; *C.P.R., 1330–34*, p. 79.

his see of London,[1] so that three bishops on the bench then represented the house of Stratford. The day after Bentworth's death, the archbishop and the English council put the great seal into the hands of John of Saint-Pol and two other chancery clerks,[2] devoted to Stratford's service. On February 13, 1340, a week before the king's return, the regent made Saint-Pol sole keeper, stating that this was the wish of the king and his council in the Netherlands.[3]

Zouch, the treasurer, worked happily with Stratford. His impossible position as treasurer had completed his severance from the court interest, and transferred the sympathies of the sometime wardrobe clerk to the aristocratic tradition which was his by birth. A few months later, an accidental vacancy in a great post in the church was to cause Zouch's antagonism to the courtiers to blaze out before the world.

In the greatest of all matters, Stratford and his colleagues failed. When parliament met, on October 13, 1339, the archbishop appeared before it, attended by bishop Bury and William de la Pole, and harangued it on the duty of meeting generously

[1] The election was on Jan. 26, 1340; the regency gave the royal assent to it within three days. Stratford's strong desire to build up a family connection is seen in the pains he now took to procure the appointment of a humbler kinsman, or fellow-townsman, as porter at Christ Church, Canterbury; *Lit. Cantuar*, ii. 217, R.S. This was Alexander Stratford, appointed on Dec. 29, 1339. In 1330 Alexander was a member of Robert Stratford's household; *C.P.R., 1330–34*, p. 218.

[2] *Foedera*, ii. 1101. Wath and Bamburgh were his colleagues.

[3] *Foedera*, ii. 1111. *C.C.R., 1339–41*, p. 451. Compare *C.W.* f. 1534, for the "regent's warrant" for this writ of chancery. Both warrant and writ state that an appointment of Saint-Pol, Wath and Bamburgh had been made by the keeper with the advice of the archbishop and others of his council, until the king had declared his will in the matter, but that this had now been altered and Saint-Pol made sole keeper, because the king had so directed, "with the assent of his council in the parts beyond sea." Thus, the personal authority of the crown, and of its intimate advisers, was invoked to aid Stratford in strengthening the position of his faithful partisan. The deed, though given under the keeper's privy seal, was enrolled in the close roll, as if it had been an act of great seal, a proceeding more usual in earlier times than at that date. With regard to Saint-Pol, it should be added that since June 7, 1339, his appointment as keeper of the Domus Conversorum for life, in succession to Richard Airmyn, renewed the connection, already established under Edward II., between the keepership of the chancery rolls and the house of converts. The latter may well have been thus early used as a place of deposit for chancery records and for the abode of the "household of the chancery." The adjoining street was called even in 1339 "Chancellor's Lane"; *C.P.R., 1338–40*, p. 304. The reason for this, given in Maxwell-Lyte's *Great Seal*, p. 10, is not altogether convincing.

the pressing needs of the king.[1] These were the more exacting since, after the change of government, the exchequer resources were mainly devoted, under Pole's guidance, to the payment of debts already incurred, so that its issues almost ceased to flow to the Netherlands. The lords were willing to make a grant, but the commons refused to pledge their constituents to a large supply, without first taking them into consultation.[2] To secure this it was necessary that another parliament should be summoned for January 1340. In this assembly, the "peers holding by barony" made a grant, but the promised subsidy of the commons was hampered by such stringent conditions that the regency dared not accept them, but referred them to the absent king.[3] Before this problem was submitted to Edward, he had remedied his immediate distress by a more direct method. Pole had offered to lend him what he required on condition that he should receive absolute security. Therefore Edward, "with the advice and assent of the prelates, earls and others attending him on this side the seas," granted Pole the collection of the customs of all the chief ports until he should be fully satisfied for all moneys lent.[4] Clearly the surrender to Stratford had done nothing to ease the situation, and equally obviously Pole put personal advantage before public policy.

The Thiérache campaign had already come to its inglorious close; and Edward had no longer either military or political reasons for tarrying longer in the Netherlands. The only question was whether his Netherlandish allies would let him leave their country. As early as December, Edward had been scattering bonds, promises and grants among his confederates, and had obtained the acquiescence of the duke of Brabant in his proposal to return to England, provided that he left the earls of Derby and Salisbury as hostages. He pledged himself

[1] Pressure was still constantly brought to bear on the home government to send supplies to Flanders. See a curious personal letter written in the name of the regent Edward to queen Philippa, in *A.C.* liv. 29, dated Oct. 20 (1339). Philippa had clearly written to her son, a boy of ten, urging him to do his best.

[2] *Rot. Parl.* ii. 104. "Mes pur ceo q'il covient qe l'aide soit graunt, en ce cas ils n'oseront assenter tant qu'ils eussent conseillez et avisez les communes de lour pais." [3] *Ib.* ii. 107-108.

[4] *C.P.R., 1338–40*, p. 408. The patent is dated Jan. 26, 1340, at Antwerp: "On this side the seas," of course, here means the continental side. The commons' conditional grant was not made till Feb. 19.

to return before the end of June, and agreed that, during his absence, the duke's retinue of a thousand men-at-arms should be at his charge.[1] The sums procured from Pole probably enabled Edward to buy off some of his more importunate creditors. His last act abroad was to balance his dependence on Brabant by concluding an alliance with the communes of Flanders. This was consummated when, to please the Flemings, Edward assumed the title of king of France so as to have a legal claim upon their overlordship. The change in title involved a change in the royal seals, the administrative results of which we shall have to examine later. The assumption of the double title was made in the beginning of the new regnal year on January 25, 1340. Soon afterwards Edward left queen Philippa behind him at Ghent,[2] and took ship for England.

The king was back in England by February 21.[3] On the previous day writs, issued from Harwich, summoned the third parliament since October. This body met on March 29, 1340, and liberally helped the king by various devices, among which the grant of the ninth sheaf, fleece and lamb was the most novel feature. The grants were, however, only made on condition that the king accepted the petitions presented to him. The four statutes of 1340 met all the chief demands of parliament,[4] including the abolition of tallage, and the solemn declaration that no future charge or aid should be imposed, save with the common assent of the prelates, earls, barons and commons in parliament. It was a sign of the king's dependence on parliament that the statutes should be drawn up by a committee on which bishops, barons, knights and burgesses had their place, and that the leaders of that committee should be the archbishop and his chief colleagues in the council of regency. From our special point of

[1] *Foedera*, ii. 1100-1101.

[2] It was at Ghent that in the following March Philippa gave birth to her fourth son, John "of Gaunt." Lionel of Antwerp had been christened in honour of the lion of Brabant. Now John had as one of his godfathers, James van Artevelde.

[3] *Ib.* ii. 1115.

[4] *Rot. Parl.* ii. 112-116; *Statutes of the Realm*, i. 289; Stubbs, *C.H.* ii. 401-402. Some of the petitions are printed in A. W. Goodman, *Chartulary of Winchester Cathedral*, pp. 131-135. It is significant that these statutes of 1340 should all be issued technically as sealed letters patent. "En tesmoignance de quele chose a cestes presentes lettres avons mys nostre seal"; *Stat.* i. 294. Parliament ended on May 10.

view it is noteworthy that the acts included the restoration to the exchequer of the right to appoint sheriffs.[1] Equally significant was the revival of the eight escheatorships as they had been in 1330, the abolition of the obsolete "presentment of Englishry," and a certain number of minor reforms which give the statutes of 1340 considerable importance in the history of administration. The whole course of this parliament was one victory for the aristocracy of barons and bishops; but this success was the easier by reason of their close association with the commons, who had shown themselves even more unbending than the magnates.

Stratford's power was now at its height. On every commission appointed by parliament there figure the names of himself and of his episcopal and baronial associates. If parliament was to control the king, the Stratfords were to control parliament. On April 28 the archbishop once more became chancellor. Parliament, moreover, stipulated that, when the king returned to the seat of war, the duke of Cornwall should again be regent under the control of the archbishop and the earls of Huntingdon, Lancaster and Warenne.[2] Of these Stratford and Huntingdon were commissioned to be the regent's chief counsellors.[3] It was clearly intended that they should have full powers to execute the acts of the parliament, which took upon itself to audit war finance and to make detailed arrangements for the conduct of the Scots war. To all these minute interferences with his prerogative, Edward gave a general consent. The one field left open to him was the French war. His only hope was that the harmony now established between him and parliament would enable a home administration, in sympathy with parliamentary claims, to supply him with adequate funds.

Everything now depended upon the speedy collection of the new grant, which was the most elaborate attempt at universal

[1] See above, pp. 71-72, 75, 94-95, and later, pp. 146-147; *Foedera*, ii. 1122.

[2] *Rot. Parl.* ii. 114. "Qils soient entendantz a lui." They were a sort of secret council, with power to add to their number "les justices et autres sages du roialme."

[3] *Ib.* ii. 116. "deputez par especial commission d'estre ses chiefs counseillers de mener les grosses busoignes du roialme, et l'exploit des busoignes touchantz a nostre seignour le roi, auxibien par decea come par aillours." The extent of their commission is noteworthy. The relation between the two commissions is not clear.

graduated taxation yet known. Besides the formal legitimation, for three years, of the war-customs on staple commodities, the prelates, earls and barons "for themselves and their tenants," and the knights of the shires "for the commons of the land," granted the king the " ninth sheaf, the ninth fleece and the ninth lamb from all their sheaves, fleeces and lambs for the two years next to come." This was the contribution of the landholding and farming class. The citizens and burgesses granted separately the " very ninth of all their goods." But merchants " not dwelling in cities or boroughs, and other folk, dwelling in forests and wastes, who did not live of tillage or store of sheep," were to pay a fifteenth " according to its true value." [1] To assess and levy these taxes, to convert into money the taxes in kind and to safeguard their exclusive devotion to the expenses of the war, a special organisation was gradually evolved, which, though formally accountable to the exchequer, acted for most purposes in substantial independence of it.[2] The general lines of collection and assignment were laid down in the statute legalising the grant. There were " taxers," later called vendors and assessors, deputed to act under magnate " surveyors." The taxes were to be assigned "to aid the good keeping of the realm, both by land and by sea, for the king's wars against the Scots and the French." [3]

The first attempt to fill in the outline of the scheme was made on April 20, when receivers and magnate supervisors were appointed in each shire,[4] and charged to find out by inquisition

[1] *Rot. Parl.* ii. 112-113. I translate " gaignerie " tillage, but it may possibly mean " pasturage." It is in this sense, says Godefroy, that " gaignerie " is sometimes used in central France. The more usual sense is, however, " labourage." There could not have been much tillage in forests and wastes except of small clearings tilled by small men. I have been helped in dealing with the ninth by the M.A. thesis of my pupil, Mr. M. V. Gregory, on " the Administration of the Subsidies, 1336-48." Much material is contained in *Nonarum Inquisitiones tempore Edwardi III.*, Record Com. 1807.

[2] It is suggestive that Edington's expenses of 20s. a day were entirely paid by the wardrobe; *E.A.* 389/8. The period was May 12, 1340, to Apr. 16, 1341.

[3] *Statutes of the Realm*, i. 288.

[4] *C.P.R., 1338–40*, pp. 499-504. There were from three to six receivers or collectors in each shire, the parts of Lincolnshire and the ridings of Yorkshire being regarded as separate counties, and some shires being grouped together, namely, Northampton and Rutland, Essex and Hertford, and Cambridge and Huntingdon. There were two or three supervisors, earls, barons, bishops and abbots. They seem drawn indifferently from those in sympathy with the court

the value of the ninth fleece, lamb and sheep and the ninth of the goods in cities and boroughs. These were to be collected locally and sold, so that the proceeds thereof might be delivered to the exchequer with all speed, preference being given at the sales to rectors and farmers of churches. The receivers were also to find out, by oath of juries of the shires, the value of the moveables of citizens and burgesses, " as of those who live not by culture of fields and store of sheep," and to exact from such the ninth part. They had, finally, to levy on merchants not dwelling in boroughs, and on men dwelling in forests and wastes who lived not by agriculture or sheep-farming, the fifteenth of the same. They were warned that poor cottiers and others, living by bodily toil, were exempted from the tax, and that the clergy were to pay the ninth only on such properties as were not assessed for the clerical tenth, already granted by them. Authority was given to the collectors to arrest and imprison those who resisted their commission.

A few days later, on May 2, Robert Sadington, the knightly chief baron, was appointed treasurer in place of Zouch, who, as we shall see, was now in violent antagonism to the courtiers.[1] This was doubtless to keep the exchequer in more friendly hands than those of the dean of York.

A more decisive step came on May 12, after the dissolution of parliament, when two higher officers, " receivers of the ninth," were appointed " by king and council " to act north and south of the Trent respectively.[2] Thus the county collection was subjected to centralised control, radiating from two centres. This separate administration of the north and south was probably the outcome of the earlier policy of allocating northern revenues to the Scottish, and southern to the French war. It was a phase of " appropriation of supplies," and was doubtless further suggested by the order of April 20, which instructed the collectors of the northern shires, including Nottingham and Derby, to

---

and from the baronial party. A feature of the appointments is the large number of abbots employed both as collectors and as supervisors. Stratford himself was sole supervisor in Kent.

[1] *C.P.R., 1338–40*, p. 471. The appointment was " by king and council." Zouch was now seeking to become archbishop of York, in opposition to Edward's favourite, Kilsby. See later, pp. 116-118.

[2] *C.F.R.* v. 178-179.

account at York for all the moneys received by them.[1] As there was no longer talk of a return of the exchequer to that city, this involved a collecting organisation with a substantial measure of internal autonomy. The persons appointed to be these receivers were two king's clerks, William Edington for the south, and John Ellerker for the north, of Trent.

The name of William Edington hardly occurs in public documents before this date. Coming from Edington, a Wiltshire manor of the bishops of Salisbury, Edington became the personal clerk of Adam Orleton, not long before Adam secured for himself the bishopric of Winchester. He was transferred, not later than 1335, to the king's service, and his policy as a king's clerk developed naturally on the courtier lines suggested by his patron's career. He became prominent only with his appointment as one of the two receivers of the ninth, but for the rest of his life he was an administrative and political leader.[2] Ellerker had had experience as chamberlain of north Wales since October 1338.[3] His present position was, perhaps, due to his subordination to Arundel, who was both justice of north Wales and a leading councillor of the regency. Edington was instructed to receive the money arising from the ninth in the counties south of Trent, and to keep it safely in the Tower of London, "so that answer be made to the king therefor."[4] The receivers of each shire were to cause the moneys to be brought to him and delivered

[1] *C.P.R., 1338–40*, p. 504.

[2] I owe to Mr. Gregory the chief known facts of Edington's early career. He was an attorney of Orleton, then bishop of Worcester, in 1332 (*C.P.R., 1330–34*, p. 277), appointed by Orleton, now bishop of Winchester, as master of St. Cross hospital, 1335 (*ib. 1334–38*, p. 88), and again Orleton's attorney in 1336 (*ib.* p. 306). In his appointment to St. Cross he was described as king's clerk.

[3] *C.F.R.* v. 98. He had previously been treasurer of the Dublin exchequer, resigning that office before July 28, 1337; *ib.* p. 26. The receiver was described as "John Ellerker the younger"; *ib.* p. 190. It is not quite certain, therefore, whether he was the Carnarvon and Dublin official. Anyhow chamberlain Ellerker, who was succeeded at Carnarvon by Robert Hanbury on May 28, 1340 (*ib.* p. 175), was reappointed to hold office on Oct. 2, 1341; *ib.* p. 252. I am inclined to think that John Ellerker the younger was the holder of all these offices, and that Ellerker the elder must be sought for elsewhere.

[4] Such a phrase often means personal responsibility to some household office such as the chamber, but it is clear that here the ultimate accountability was to the exchequer; see *C.C.R., 1341–43*, p. 243, and *C.P.R., 1345–48*, p. 120. Probably the king used prudently vague language, but the baronial current was running too strongly for him to give effect to his own wishes.

by indenture, for the defence of the realm, the expedition of the war and for other arduous affairs touching the king, and for no other purpose.[1] The commission to Ellerker was in similar terms, except that he was to receive the proceeds of the northern subsidy at the church of St. Peter's, York, and keep them safely in the treasury there.

The collection of these taxes took time, but Edward, feverishly bent on redeeming his promise to his allies to be back in the Netherlands by midsummer, hurried on his preparations with as little regard to his financial position as he had shown in 1338. As the taxes on lambs, sheaves and fleeces could not be levied in their completeness until after shearing and harvest time, the new subsidy did little to meet Edward's immediate necessities. Moreover, the king's own actions prevented the new taxes being used for their proper purposes. On the eve of his departure Edward appropriated more than £6000 of the potential receipts of the ninth for the payment of arrears of war wages.[2] Still larger sums were assigned to the bankers and others who made the king advances and to other royal creditors.[3] The effect was that, just as had happened two years before, the regency was left to send supplies after the king.

Stratford clearly did not relish the responsibility thus thrust upon him. If we may believe one of the sanest of the contemporary chroniclers, the archbishop objected to Edward returning to the Netherlands in such circumstances, and especially in the light of the knowledge that the French had made great naval preparations to block his way.[4] The king's own admirals backed up the archbishop's arguments, but Edward brushed aside their

[1] *C.F.R.* v. 178. The writ says that it was ordered in parliament that the moneys should be received at the Tower and expended for the defence of the realm; but there is nothing to that effect in *Rot. Parl.*, or in the text of the act; *Statutes of the Realm*, i. 288-289. The meticulous care with which the king adopted, in these writs, the language of parliament makes it far from impossible that there was some sort of understanding.

[2] See in particular *C.C.R., 1339–41*, pp. 523-526, where on June 22 from Shotley the king ordered Edington to pay these sums for war wages during the previous expedition. Such a policy did not give the ministers a chance of using the new money for its destined purposes.

[3] The close rolls are full of such assignments, for instance, those made to William de la Pole; *ib.* pp. 515-516, 618-620, or to the Bardi and Peruzzi; *ib.* p. 505.

[4] Avesbury, p. 310-311. Murimuth, p. 105, confirms the naval preparations.

advice. There were stormy scenes between the king and the archbishop, but some sort of reconciliation was effected. Edward now kept Whitsuntide at Ipswich, whence he joined his fleet in the Orwell. On June 20 Stratford appeared on the king's ship. He professed that his health was no longer strong enough to allow him to bear the burden of the chancery, and surrendered the great seal into the king's hands.[1] Edward was afraid to break with the archbishop, and placated him both by paying him a large proportion of the arrears of his wages for his service abroad,[2] and by a grant of further immunities.[3]

Though there was no question of the archbishop's restoration to the chancery, the arrangements made for the custody of the seals showed the king's wish to gloss over recent differences. Edward intended again to take the great seal abroad with him, but the appointment of Robert Stratford, bishop of Chichester, to succeed his brother as chancellor, and the assignment of the temporary custody of the new seal of absence to John of Saint-Pol, showed the anxiety Edward had to stand well with the Stratfordians. Indeed Saint-Pol first used the seal at Lambeth under the archbishop's eye.[4] The king immediately after this rearrangement, crossed the North Sea, and won on June 24 the decisive naval victory of Sluys, which destroyed the French naval power, secured his communications with home, and saved England from the fear of invasion. But subsequent military operations did not add to his glory, and the summer and autumn reproduced with remarkable fidelity the situation which had prevailed during his previous expedition.

There were once more two separate governments, one at home

[1] *Foedera*, ii. 1129. "Praetendens se propter infirmitatem et debilitatem corporis sui non posse diutius in dicto cancellarii officio laborare." This, though official, is clearly more exact than Avesbury's account (p. 311). "Archiepiscopus vero statim se posuit totaliter extra concilium domini regis et, capta licentia, ab eodem recessit et sigillum cancellariae sibi remisit." He adds that later the king was reconciled with the primate, and "retradidit sibi sigillum cancellariae." The latter statement is untrue.

[2] *Ib.* ii. 1125-1126.

[3] *C.Ch.R.* iv. 472, "out of devotion to St. Thomas and affection for the archbishop."

[4] *Foedera*, ii. 1129. Saint-Pol received the seal at Chelmsford on June 22, and first sealed at Lambeth "in camera archiepiscopi" on June 23. The bishop of Chichester took up his duties on July 12 "ad hospicium in vico qui vocatur Chancellor Lane." This seems the bishop's "hospicium," not the "hospicium cancellariae."

and the other in the Netherlands. Stratford's illness must have been a diplomatic one, for he continued to direct the regency between the king's departure on June 22 and his return on November 30. The infant duke of Cornwall was again keeper of the realm,[1] with wider powers, notably in respect of filling vacant posts in the church, and of removing unworthy officials, than on the previous occasion. There was delay, probably deliberate delay, in choosing the regent's chief councillors, and the arrangements ultimately made did not altogether fit in with the parliamentary proposals which the king had accepted. The day after the duke's appointment, the earl of Huntingdon was ordered to attend upon him with other councillors not specified.[2] It was not until the eve of the king's departure that archbishop Stratford, Henry Percy, Thomas Wake and Ralph Neville [3] were nominated to this function. Later, on July 8, William Beauchamp was also appointed to "stay about the body of the keeper." [4] Besides his brother's support as chancellor, the archbishop had had, since June 21, a congenial treasurer in the veteran bishop Northburgh of Lichfield,[5] who had begun his official career, some thirty years earlier, as the first independent keeper of the privy seal.[6] The restoration of the outgoing lay treasurer, Sadington, to his old post of chief baron showed perhaps some desire to balance Northburgh by a royalist stalwart. It is from this point of view significant that some partisans of the court were left behind, including Sir John Molyns,[7] so active in the Netherlands on a former occasion. Substantially, then, the home government was controlled by Stratford and his friends, and after Stratford had regained his former ascendency, the situation was a reproduction of that of 1339–40.

[1] This appointment was on May 27; *Foedera*, ii. 1125. The powers were given on May 29.

[2] *Foedera*, ii. 1125. The writs are dated Shotley, opposite Harwich, on June 21.

[3] Neville had been steward of the household.

[4] *C.P.R., 1338–40*, p. 505: "by letter of the duke."

[5] *Ib.* pp. 543-544. The appointment, dated Shotley, June 21, was "per regem."

[6] Above, ii. 286-287.

[7] Molyns' activity in England during the king's absence can be easily worked out from the close rolls. Even Kilsby was still in England on July 24, when Yarmouth was ordered to provide him with ships, "as the king wishes to hasten William's passage for certain reasons"; *C.C.R., 1339–41*, p. 434.

Some show of vigour was put into the collection of supplies,[1] but neither the ninth nor the wool tax yielded the desired results. The careful precautions taken to remedy negligent collection seem to have had little effect.[2] It was still hardly time for much money to have come from the ninth, especially as there was something like an organised conspiracy to prevent its proceeds being sold for the king's profit.[3] Meanwhile the king's expedition against Tournai and Saint-Omer was held up by his allies' refusal to move until they had been paid. Therefore a new parliament was summoned for July 11. To this Edward sent the earls of Arundel and Gloucester and Sir William Trussell with letters, describing the glories of the battle of Sluys, and demonstrating the alternative that lay before the king of receiving immediate supplies or losing his allies. The envoys declared "well, nobly and in good style" the "anguish and peril in which the king, queen and magnates of the host lay for lack of money."[4] In the end it was recognised that no immediate help could come from the ninth, and the commons, repeating the experiment of 1338, allowed the king to seize 20,000 sacks of wool, whose owners were to be paid from the proceeds of taxes already granted.

By July 30 arrangements for the execution of the plan were worked out in earnest with the merchants, and the king was informed that the wool grant was not to be administered by such men as had mismanaged the earlier grants, but that all the grant was to be delivered into his hands as soon as was possible.[5] The contracting merchants agreed to pay stipulated sums on behalf of the wool of the different shires to the wardrobe at Bruges, at various dates in the late summer and autumn.[6] There was no time for these promises to be carried out. The

[1] For instance, the circular on Sept. 7 to the assessors and vendors of the ninth in all counties of England, stated that the king had learnt that they did not "travail earnestly" but were "negligent and lukewarm" despite the king's orders; *C.C.R., 1339–41*, p. 517. Compare the circular of Oct. 31; *ib.* pp. 585-586.

[2] Besides the general power given to the regency to remove "insufficient ministers," three commissions of magnates had been appointed as early as Apr. 28, charged with the duty of removing negligent collectors of customs, even when appointed for life, and appointing others in their place; *C.P.R., 1338–40*, pp. 507-508.

[3] *Rot. Parl.* ii. 117. [4] *Ib.* 122. [5] *Ib.*

[6] Some of the indentures are summarised in *C.C.R., 1339–41*, pp. 614-622.

fatal policy of assignment was pursued more actively than ever, and but little of any sums raised reached the king in Flanders. It was to no purpose that further messengers passed to and fro between the two administrations.[1]

The supreme folly of the king in starting a campaign, for which he had no means to pay, soon produced its natural result in the unsatisfactory truce of Esplechin, sealed on September 25. For another two months after this, Edward tarried in Ghent, sending home bitter reproaches to his negligent ministers. They replied with excuses and apologies, but little treasure. As a last effort, orders were issued on November 27 to all the county receivers south of Trent to cause all money from the subsidies received by them to be taken to Edington at the Tower without delay, except such sums as the king had already assigned to be paid directly by the receivers.[2] But this command was given too late to have any result. The failure of the home government played into the hands of the impatient warriors with the king in Flanders. The haste with which the arrangements had been made prevented that orderly division into a home and a foreign ministry, which had been the feature of the period of the earlier Netherlandish campaign. The great offices of state, the chancery and the treasury, were substantially kept in England. Not only the chancellor and the treasurer, but nearly all the chief officers of the chancery, and practically all the officers of the exchequer, remained at Westminster. Nor were the household offices simply taken over seas with the court in a body. The chamber, absorbed in the administration of its landed estate, was becoming, to some extent, sedentary. Though Hatfield and other chamber officers were with the king, a large part of its staff, including Molyns and all the officers of the chamber lands, did not accompany Edward. Even Kilsby remained in England for some weeks after the king's departure. The whole of the great wardrobe stayed at home, and John

[1] For instance, the mission of Richard Winkley, the Dominican confessor of the king, and of Mr. Robert of Askeby, the clerk of the chamber, before whom a special council was held on Sept. 4, 1340; *ib.* p. 621. There was also an abortive council held after Michaelmas for the punishment of false ministers. See for the details of this, Miss Dorothy Hughes' *Early Years of Edward III.*, pp. 89-99. This book gives the fullest modern account of these critical years.

[2] *C.C.R., 1339–41*, p. 577.

Fleet, with the privy wardrobe and part of the chamber staff, was established in the Tower of London, receiving proceeds of taxation almost in rivalry with Edington, receiver of the ninth, whose office was also located in the Tower. In point of fact the king had fled from England, leaving Stratford to rule in his place, and there was no longer a question of "two ministries," for the court was dependent upon the home government.

The wardrobe and privy seal had followed the king, and were the basis of the organised administration which he had at his disposal. But the wardrobe accounts of William of Cusance testify to operations on a much smaller scale than those of 1338–40.[1] They show Cusance seeking for supplies with little success, and the chamber clerks, Hatfield and Askeby, hard at work, the latter specially assigned to collect the wool subsidy, but failing to make very much out of it. Substantially, the king's staff consisted of the officers of the household, the warrior element, mainly intent upon the prosecution of the war, and the clerks of the wardrobe, chamber and privy seal, each of whom was often called away from his specific duties by the exigencies of diplomacy and finance. To these we must add the highly placed diplomatists, like bishop Burghersh and Sir Geoffrey Scrope, the sometime chief justice. After a few weeks the masterful personality of Kilsby strengthened the royal councils. As on the previous Netherlandish expedition, Kilsby kept both the privy and the great seals. For the service of the former he was attended by the whole office of the privy seal; for that of the latter he had the help of a few chancery clerks, the most important of whom was Thoresby, the trained notary, and even Thoresby left the Netherlands before the king. There was also the swarm of foreign rivals, the Bardi and Peruzzi, the society of the Leopardi, Henry Muddepenning and the German societies, and the Netherlandish bankers. All of these acted as intermediaries between Edward and his subjects, raised loans, farmed his taxes and recouped themselves from the proceeds. Yet indispensable as they were, they were trusted neither by the king nor by his ministers.

Besides strong antagonisms of policy and principles, personal

[1] *E.A.* 389/8. For details see later, iv. 108, *et seq.*

rivalries complicated the situation. One illustration, the story of the conflict between William Zouch and William Kilsby for succession to the see of York, may be permitted, though it takes us far from administrative history.

On April 4, 1340, archbishop Melton died, full of years and honour. On April 7 the king gave Zouch, at that moment treasurer of the exchequer and dean of York, the custody of the temporalities of the vacant see. The royal *congé d'élire* was issued on April 13,[1] and, the day before this, Zouch left the treasury to a deputy, in order to make his way northwards to preside at the election and administer the temporalities.[2] Up to this point, everything suggested that he was in high favour with the king, and that Edward was doing all he could to help him in winning over the chapter to his election.

Then came a sudden and characteristic change in the opportunist king's policy. On April 14 the York temporalities were transferred from Zouch's care to that of chamber officials, who, however, were ordered to account for them in the exchequer.[3] The explanation seems to be that Zouch's affinities being now too strongly with the party of Stratford, Edward had abandoned all wish for his promotion. A more complacent archbishop could be found in Kilsby, the brain of the court party. As a first step Kilsby was, on April 20, sent away from court, "taking some secret things of the king from London to York and other parts of the north."[4] His real purpose seems to have been to secure a seat in the chapter, so that he might personally urge his claims to be archbishop against those of the dean. He had, therefore, to be appointed hastily to a prebend, and on April 15 Edward had issued a mandate to the dean and canons for his immediate admission to a place in the chapter, because the king had "lately," in Melton's lifetime, granted him a prebend in the royal gift by reason of an ancient vacancy of the see under Edward I.[5] Seven days later, assurance was made doubly sure by Kilsby's fresh appointment to the prebend of Wilton, of

[1] *C.P.R., 1338–40*, p. 462.

[2] *Ib.* p. 450, shows that Zouch was doing exchequer business up to Apr. 11, but that by Apr. 12 John Thorp was acting as deputy treasurer.

[3] *C.F.R.* v. 170. One of them was Nicholas Buckland.

[4] *C.P.R., 1338–40*, p. 463.

[5] *Ib.* pp. 461-462.

which Edward claimed the presentation on account of the vacancy of the see.[1]

Rumour was already busy with Kilsby's name, for on April 26 the king, "to stop slanderous reports," declared that he had no knowledge that Kilsby was excommunicated or suspended by the pope, but that he had always found him "honourable, constant and faithful, devoted to God and worthy of great honour from the king, who holds him dear above others and keeps him constantly by his side."[2] On May 2 a new treasurer was found in the layman Sadington, and Zouch was ordered to surrender the office.[3] On the same day the York election was held, and in that Zouch had his revenge, for he was chosen archbishop by a majority of the canons, though a certain proportion of them did vote for Kilsby.[4] The prudent victor got himself installed at once, but Kilsby persisted in his claims, and the only refuge was an appeal to Avignon. The king showed his partisanship by doing his best to keep Zouch in England,[5] by writing urgently to the pope in Kilsby's favour,[6] and by retaining his grip on the temporalities of the see, whose keepers, on July 8, were ordered to account in the chamber, that is to the king's personal dependents.[7]

It was doubtless this business which prevented Kilsby attending the king when he went to Flanders on June 22. But Edward needed his services, and Kilsby soon followed him. The keeper of both great and privy seals could not desert the king on a wild

[1] *Ib.* p. 461. The prebend of Wilton is not given in Le Neve's *Fasti*. Can it be that Edward in his haste appointed his favourite to a non-existent prebend? It is, however, doubtless a confusion with the prebend of Wetwang to which Kilsby was again presented by the king on Oct. 6, 1341; *ib., 1340–43*, p. 291. The reference in the mandate of Apr. 15 to a presentation made "lately" on Apr. 22, illustrates the difficulties involved in the thorny problem of the significance of the dating of writs of chancery and the rashness of basing too much upon the exactitude of such dates.

[2] *Ib., 1338–40*, p. 519.

[3] *Ib.* p. 471.

[4] Eighteen members of the chapter were present, and thirteen of them voted for Zouch; W. H. Dixon and J. Raine, *Lives of the Archbishops of York*, pp. 439-440.

[5] *C.C.R., 1339–41*, p. 638, gives a summons of July 8 to Zouch to account at the Michaelmas exchequer for household and other offices accountable there.

[6] *Foedera*, ii. 1118, etc.

[7] *C.F.R.* v. 183. This chancery writ, like that in n. 5 above, was issued by the regency: but the warranty of each was a writ of privy seal of which Kilsby was keeper! But who "kept" the privy seal in the Netherlands before Kilsby went there? Or did it remain in England with its keepers?

goose chase to Avignon, but contented himself with putting every obstacle in the way of Zouch's journey. Only after Kilsby had gone abroad, did papal intervention allow Zouch access to Avignon. Even then Kilsby's ingenuity was not exhausted. On November 10, Zouch was waylaid by aristocratic brigands as he left Geneva, was imprisoned in some desert place in the Vaud, and only released after paying a heavy ransom and taking oath not to disclose his captors. The pope dispensed Zouch from these vows, and had the offenders brought to justice. It was shrewdly suspected that Kilsby was at the bottom of the outrage. Despite such treatment, Zouch remained for two years at the curia, waiting in vain for a papal decision on his claims.[1] The York succession was still in suspense when Kilsby came back with the king in November 1340. His personal grievances against Stratford and the other chief officials lend point to the rancour with which he prosecuted his master's interests against them. His sordid quest of office added a new difficulty to the already doubtful relations between Edward III. and Avignon. At last, in 1342, Zouch's installation at York through the good offices of Clement VI. ended the long struggle in favour of the papal nominee. The whole incident shows upon what unstable foundations the royal household administration was built.

The dissension between the king's personal following and the home government came to a head in 1340, in the greatest ministerial crisis of the reign. This quarrel was, as Avesbury tells us, between the king and his confidants and the ministers serving in the great offices,[2] and could only mature when the king returned to England. The steps, however, by which the official ministry was to be upset, developed during the frequent "parliaments" of the "king's council beyond the sea," held amidst gloom, poverty and depression at Ghent during October and November, 1340.

The intelligent but prejudiced French chronicler of London, to whom we owe the most vivid account of the ministerial and

[1] For more details, see my article on Zouch in the *D.N.B.*

[2] Avesbury, pp. 323-324, describes how, on Nov. 30, Edward returned to England "cum suis secretariis," and was "offensus cum suis officiariis in magnis officiis ministrantibus." "Quidam secretarii" were jealous of archbishop Stratford. "Secretarius" is still simply "confidant," with no suggestion of official meaning.

constitutional struggle, paints with bias, but substantial accuracy, the general course of the movement.[1] "The king tarried long in the city of Ghent, and there he held his parliament,[2] and took council as to whether the better course were to remain in Flanders or to return to England. Each week he sent letters to his false friends in England, asking for aid and succour from the common treasure, granted to him by the whole commons of England. And the false traitors, sworn to his service, answered the king that the tenths could not be collected, nor the sacks of wool raised, and that they dared do no more than they had done for fear of civil war, for the people would rather rise in revolt than pay any more taxes.[3] The money that they had collected was not enough to pay the wages of the king's ministers, nor to pay his debts, nor to meet the expenses of his household, for which purposes they had been assigned by the king himself." But there was one minister in England who was better affected to his sovereign than the rest. This faithful servant secretly set forth in writing all the plans of the traitors, and forwarded his report to the king. He urged that the king's only salvation was to return privately to London, for it was useless to write further letters to the ministry, though, if he came to England, the king would easily find enough treasure to carry on the war and conquer his enemies.

Impressed by this advice, Edward took immediate action. He persuaded the duke of Brabant and the Flemish leaders to suffer him to return to England, on the ground that his presence in his own land afforded the best chance of his paying them what he owed them. Meanwhile his wrath against Stratford boiled over. On November 18 he sent to Benedict XII. as ambassadors, William Norwich, dean of Lincoln, John Offord and John Thoresby. Their charge was to lay before the pope his fierce indignation against the primate. It was Stratford who had advised him to "cross the sea without provision of money and horses, trusting in

[1] *The French Chronicle of London*, ed. Aungier, pp. 82-84 (Camden Soc. 1844).

[2] It is significant that so late as 1340 "parliament" could still be used in the sense of a rather narrowly restricted section of the royal council.

[3] For an instance of this, see *C.C.R., 1339–41*, p. 536, a writ of Sept. 30, ordering the sheriff of Essex to imprison those resisting the subsidy of the ninth, "since certain men of the county refuse to pay and resist the vendors and assessors with all their might." See also above, p. 113.

the archbishop's promise to supply money in a few days." It was Stratford who, by not sending him a penny during the long siege of Tournai, had forced him to make the truce of Esplechin. "I believe," said the king, "that the archbishop wished me, by lack of money, to be betrayed and killed." [1] Stratford then was an unmitigated traitor, and the king's first business was to punish him as he deserved. Having thus done his worst against his minister, Edward abandoned his wife, children and wardrobe, and, with a scanty following of personal confidants, rode from Ghent to Sluys, where he took ship. After a stormy passage of three days and nights he sailed up the Thames, and on the night of St. Andrew's day landed before cock-crow at the water gate of the Tower.

It is important to know who exactly were the confidants or *secretarii* who came back with the king. Few of them held a more definite official position than that of banneret, knight or clerk of the household. Among them laymen predominated, military rather than political considerations weighing with the king at that time. Highest in rank was William Bohun, earl of Northampton, who, though the acting head of a great family, represented the type of magnate keener on beating the French than on scoring advantages for his class. With him were the bannerets Reginald Cobham and Walter Manny, the latter a Hainaulter already acclimatised to England, and devoted to the court interest. The same devotion inspired the three knights, mentioned by name, Nicholas Cantilupe and John and Giles Beauchamp. Of clerks two only were specified, but one of them was Kilsby, the arch-conspirator, and the other Philip Weston, who, although almoner and confessor of the king, had contributed his quota of troops to the royal army, and was reckoned, like Kilsby, as equivalent in rank and pay to a banneret. Kilsby, keeper of the privy seal, was the only official among them, for John Darcy the son, who was also mentioned among the knights, was not John Darcy the steward of the household, who was probably left behind in Flanders.[2] One quality at least the

[1] *C. Pap. Reg. Let.* ii. 584-585. William Norwich had brought papal remonstrances from Avignon to the Netherlands. Edward discreetly begged the pope "to keep secret the part about the archbishop, letting the rest be known."

[2] Darcy the steward first appears in the Tower on Dec. 14; *Foedera*, ii. 1142. The household gradually followed the king home.

whole band had in common, absolute irresponsibility. A king, advised by such a group, was the very opposite of the ideal king of Lancastrian tradition, who took no important step without the counsel and consent of the higher baronage.

The king and his friends had come back to make a clean sweep of the administration. Edward demanded to see Sir Nicholas de la Beche, warden of the Tower and master of the household of Edward of Cornwall, the nominal regent. But Beche was absent from his post, and this evidence of slackness increased the wrath of the king. He summoned the mayor of London to his presence, and ordered him to lay hands on the chief members of the ministry. When morning broke, the chancellor, Robert Stratford, and the treasurer, Roger Northburgh, came to the Tower and received their dismissal. Nothing but respect for the liberties of the church saved the two bishops from arrest. The chief clerks of the chancery were regarded as implicated in their chief's misdeeds, and no regard for clerical immunities screened from imprisonment John of Saint-Pol, keeper of the rolls, and his colleagues, Michael Wath, Henry Stratford, the archbishop's cousin, and Robert Chigwell. No chancery clerk was thought fit even for the temporary custody of the seal, which remained, as when beyond seas, with Kilsby. Of the exchequer officers John Thorp, the sometime deputy for treasurer Zouch, shared the fate of the senior clerks of chancery.

The anger of the king was indiscriminating and he struck out in many directions. The negligent constable of the Tower was imprisoned and deprived of all his offices.[1] The chief English financiers, the brothers William and Richard Pole, and the London merchant, John Pulteney, were similarly made scapegoats of the financial failure. Among the judges arrested were Sir John Stonor, chief justice *coram rege*, and four justices of the common bench, Sir Richard Willoughby, who had been Parving's predecessor as chief justice *coram rege*, John Inge, William Sharshill and John Shardlow, the last two while holding assizes at Cambridge. Sir Thomas Ferrars, keeper of the Channel Islands, was also among the captives.[2] Of the greater nobles,

[1] Beche was replaced by Bartholomew Burghersh, as " master of the household " of Edward, duke of Cornwall, by Jan. 1341 ; *E.A.* 389/6, mm. 1, 3.

[2] Murimuth, p. 117, enumerated most of the above, but the most authoritative list of victims is in *C.P.R., 1340–43*, pp. 110-111, where is summarised the

only one was attacked. This was Thomas Wake, son-in-law of the blind old earl of Lancaster. Wake, as a member of the council of regency, was regarded as sharing responsibility for its acts,[1] but he was soon released.

There was some attempt at a general purging of the local offices,[2] and all the escheators and most of the sheriffs were certainly removed, though the evidence does not quite sustain the general change of ministers spoken of by the chroniclers.[3] For a short time Edward's desire to concentrate authority in his own hands went so far that he took the county of Chester out of the hands of his infant son, and gave it to keepers of his own choosing.[4]

---

special commission for their trial, dated Jan. 13, 1341. The whole of the names in the text are included, except Inge and Wake. Inge was however tried in Somerset for taking money from litigants, confessed, and paid a fine (Hughes, u.s. p. 184, from Assize Rolls). The accusation was that they had "borne themselves fraudulently and unfaithfully in their offices." The *French Chronicle of London*, pp. 85-86, gives the list of the prisons to which they were consigned "par le conseil sire William de Killesby." In *Year Book 15 Edw. III.*, p. 387, it was complained in Michaelmas term 1341 that Sharshill "fust en Galys, et ne poet estre trove." As a matter of fact, he was still imprisoned in Caerphilly castle.

[1] *Chron. Angliae*, p. 10.

[2] *C.C.R., 1339–41*, p. 607. Writs of Jan. 15, 1341, to all sheriffs, ordered election of new coroners, "as the king has ordained that the sheriffs, escheators, coroners, and other such ministers who were before the king's return to England shall be removed."

[3] For instance Murimuth, p. 118. "Et cito post hujusmodi adventum suum rex amovit omnes vicecomites et alios ministros in suis publicis officiis constitutos, et alios etiam invitos subrogavit eisdem." Compare *French Chronicle of London*, p. 88. "Puisse après le mardi prochein devant la conversion seint Poul, touz les officiers en la court le roy furent oustez et remuez parmy sire William de Killesby." The date given is Jan. 23, 1341, and truly illustrates the gradual character of the process. The records show that between Jan. 9 and Feb. 3 six of the eight group-county escheatries changed hands, and that the other two groups followed in early May; Gibson in *E.H.R.* xxxvi. 225, conveniently summarises the fine roll entrics. The sweep of the sheriffs was fairly complete. Between Jan. 4 and Jan. 26 eight sheriffs were removed from thirteen shires, though one was recalled in a few days. Between Feb. 6 and Mar. 16 four more sheriffs were changed in five shires; *C.F.R.* v. 199-201. In six sheriffdoms (nine shires) whose chiefs were not removed, new sheriffs had already been appointed a few weeks before the king's return. In only one normal shire, Hereford, did the same sheriff go on from 1336 to 1343. Murimuth was inexact rather than wrong in his statement.

[4] *C.F.R.* v. 214, an order of Feb. 14, 1341. Mrs. M. Sharp, who pointed out this reference to me, assures me that within a few weeks Cheshire was again in the hands of Edward of Windsor, and that she is very doubtful whether the resumption mentioned in the text was ever effected. Henry Ferrars was the justice of Chester whom the writ superseded in favour of William Beauchamp and Hugh Berwick.

Edward's wrath and desire for vengeance were chiefly directed against men whom he was unable to reach. His early release of Wake showed that he dared not attack the Lancastrian barons, and the privileges of the church kept his hands off the fallen chancellor and treasurer. Two other men, against whom he was especially moved, also escaped his clutches. One was the chamber knight, John Molyns, and the other was the head of all offending, archbishop Stratford.

Molyns had hitherto been a foremost ally of Kilsby in furthering the king's will. But he had never lost a chance of piling up a fortune for himself, and the opportunity of remaining in England, as chief steward of chamber manors, had given him means to enrich himself which he could not resist. He had therefore abandoned his earlier associates and had thrown in his lot with the incriminated ministers. Much incensed by such double dealing, Edward put the renegade into the Tower,[1] but within a few days he broke prison. The king ransacked his treasures, seized his manors and held high revel in his Buckinghamshire house,[2] but he failed to catch him, and for five years Molyns remained outcast and unforgiven.[3]

Stratford, on the king's arrival in England, retired from Lambeth to Charing, whence he soon sought a securer refuge among the monks of his own cathedral. He reached Canterbury on December 2, the day of the return of St. Thomas of Canterbury from exile. On that very day, there died in Flanders two of the archbishop's worst enemies, Sir Geoffrey Scrope and

[1] *C.F.R.* v. 197, shows that Molyns was " attached " and imprisoned in the Tower, but that before Dec. 5 he had escaped.

[2] *French Chronicle of London*, pp. 85-87, gives a detailed account of the king's proceedings against Molyns.

[3] In 1345 he was forgiven and his lands restored " of the king's special favour "; *C.C.R.*, *1343–46*, pp. 603-606, 610; *C.P.R.*, *1345–48*, pp. 29, 76. Moreover, his son William, who married an heiress, entered the king's service as " valettus ". Later John was employed as justice of oyer and terminer and of the peace, and also as steward of Queen Philippa's lands; *C.P.R.*, *1350–54*, pp. 228, 368. Several times pardoned for minor offences, Molyns came to grief a second time in 1357, when his lands were seized and his son made responsible for his maintenance; *C.C.R.*, *1354–60*, p. 372. Later he was imprisoned in Nottingham Castle, while his wife Gill was imprisoned in Cambridge Castle. In 1359 William Molyns was allowed under heavy sureties to superintend his father's transfer from Nottingham Castle to Cambridge Castle, where he joined his wife; *C.C.R.*, *1354–60*, p. 48. He died on Mar. 10, 1360; *C.C.R.*, *1360–64*, p. 220. Gill was pardoned a few months later (*C.P.R.*, *1358–61*, p. 435), for her share in her husband's frauds and violence. See below, iv. 296, n. 2.

bishop Burghersh, the ancient leaders of the court party. The ferocious temper of the time regarded this as God's judgment on the enemies of holy church.[1] For the next three months a fierce controversy went on between Canterbury and Westminister, in the course of which the points at issue between parties were defined and the new administration slowly constituted.

There was some delay in filling up the chancery and treasury. The king had vowed he would appoint no more ministers save those amenable to the jurisdiction of the civil courts, and accordingly his choice fell upon laymen. The new chancellor was Sir Robert Bourchier,[2] an Essex knight, a warrior of the French wars and several times knight of the shire for Essex. The Cumberland lawyer-knight, Sir Robert Parving, who had often represented Cumberland in Edward III.'s parliaments, and was already chief justice of the common bench, was made treasurer on the day after Bourchier's appointment to the chancery.[3] As Sir Robert Sadington remained chief baron of the exchequer, it followed that three of the great ministries were held by lay men "justiciable" in the king's courts.

There were changes, too, in the personnel of the great offices, but the majority of those promoted were old officials and clerks. In the chancery the disgraced "greater" clerks were replaced by their subordinates. When, after a month, Kilsby relinquished his grip on the chancery rolls,[4] a new keeper for them was found in Thomas Evesham. He, however, was replaced on February 21, 1341, by John Thoresby,[5] the leader of the younger generation of chancery clerks. In the exchequer, even Sadington received a new commission, and on the same day, January 20, 1341, four new barons and a new chancellor of the exchequer

[1] Birchington in *Anglia Sacra*, i. 21. "Sicque dictus archiepiscopus a duobus inimicis suis fuerat a Dei Providentia liberatus."

[2] *Foedera*, ii. 1142.

[3] *C.P.R., 1340–43*, p. 75. For Parving see Dr. J. R. M'Grath, *Sir Robert Parvyng, Knight of the Shire for Cumberland and Chancellor of England*; (Kendal, 1919, reprinted from *Cumberland and Westmorland Antiq. and Arch. Society's Transactions*, xix. new series).

[4] Kilsby received the rolls on Dec. 2, 1340, at which time they were removed by royal precept from the house of John of Saint-Pol and transferred to the Tower. They remained in the Tower under Kilsby's custody until Jan. 3; *Foedera*, ii. 1142.

[5] *Ib.* ii. 1151.

were given him as colleagues, while new remembrancers were also appointed.[1] Although a lay baron of the exchequer was no novelty, all of the newly nominated barons were clerks, and one of them, Gervase Wilford, the most notable of the clerical barons of the reign. The king had evidently no objections to clerics, when they did not shelter themselves behind the immunities of their order.

With deep disgust the Stratfordians lamented that clerks as well as knights took part in the persecution of the archbishop.[2] Indeed the head and front of all offending was the clerk Kilsby, whose malevolence was quickened by his knowledge that not all the authority of his master was sufficient to establish him at York as the rival primate to Stratford. While the loudly advertised doctrine that clerks served the king's interests better than laymen was more of a pretence than a reality, no thorough-going anti-clerical movement was as yet within the range of practical politics.

There were naturally fewer changes in the household staff, which was already to the king's liking. That the faithful John Darcy the elder relinquished the stewardship in order to become king's chamberlain [3] was perhaps significant. Was this another effort of the victorious king to enhance the dignity of the chamber? Darcy's successor as steward was Ralph, "baron of Stafford," [4] who in the first days of 1341 took a leading part in the attack on Stratford. Kilsby, of course, continued to keep the privy seal, and it looks as if the inexperienced lay ministers were but as clay in his dexterous hands. In April 1341 his brother, Robert Kilsby, became controller of the wardrobe, and so gave

[1] *C.P.R., 1340–43*, pp. 80-81. Sadington's reappointment, though enrolled, was annotated "vacated because surrendered." In addition to Wilford, the other barons, Thomas Blaston, William Brocklesby and William Stowe were also clerks. Blaston was a reappointment. William Everdon, chancellor of the exchequer, was a king's clerk. It was still natural for keepers of seals to be clergymen.

[2] Birchington, u.s. p. 20. "Verum non solum milites sed et clerici hoc fecerunt : et pro his nequiter terminandis ipsi in necem archiepiscopi conspirantes," etc.

[3] He was not called steward after Dec. 15, and apparently became chamberlain at once. See for his identity earlier, p. 120.

[4] The persistence with which he is called "baron of Stafford" suggests that the term was almost employed as a surname. Or was it an anticipation of the time, soon coming though not yet come, when baron, like earl, had become a title of honour, or grade in the "peerage"?

him a fresh hold over the household offices.[1] In the great struggle between the king and Stratford which occupied the first few months of 1341, William Kilsby remained constantly the spokesman of the royal pleasure.

This struggle has often been described, and need not again be dwelt upon at length.[2] It was waged with extraordinary vindictiveness, and both parties indulged in language of the most violent kind. The greatest blame must rest with the king's champions, who in their haste to abuse the archbishop took no trouble to state their master's case clearly or logically. Stratford, on the contrary, though equally malicious, used restrained language, in striking contrast to the outbursts of the courtiers. Although Stratford complicated the situation by combining an assertion of extreme clerical doctrine with statements of his political grievances, his impassioned appeals on behalf of the liberties of the church made a real impression on public opinion. His ostentatious posing as the imitator of St. Thomas need not be taken seriously. Yet there was an element of sincerity in his touching renunciation of his worldly career, and in his bitter regrets for his excessive devotion to the service of the state. There was some nobility in the steadfastness with which he braved his former associates and maintained his position in the teeth of brutal threats. He was rewarded when every party in the Easter parliament rallied to his cause. The king and his courtiers found they could make no impression on baronage, clergy or commons. If the administrative crisis of November had shown Edward making his boldest bid for despotism, the constitutional crisis of April secured the acceptance of the archbishop's theory of the constitution. Even

[1] Robert Kilsby was controller from Apr. 17, 1341, to July 21, 1342.

[2] The latest and fullest accounts are those of Mr. G. T. Lapsley, "Archbishop Stratford and the Parliamentary Crisis of 1341," in *E.H.R.* xxx. 6-18 and 193-215, and Miss D. Hughes, *The Early Years of Edward III.*, pp. 100-181, but Pike, *Constitutional History of the House of Lords*, pp. 186-198, L. Vernon Harcourt, *His Grace the Steward and Trial by Peers*, pp. 338-345, and Stubbs, *C.H.* ii. 402-411, should still be consulted. The chief original sources are Birchington, "Vitae archiep. Cant." in Wharton's *Anglia Sacra*, i. 20-41; *Rot. Parl.* ii. 126-134; *French Chronicle of London*, pp. 82-90; Avesbury, pp. 116-121; *Cont. Hemingburgh*, ii. 363-388. See also later, p. 128, n. 1. Barnes' *History of Edward III.* pp. 212-235 (1688), gives a quaint and sometimes inaccurate but very detailed narrative of the whole story, and includes translations of the chief documents issued by both sides.

more permanent was that close understanding between the baronial leaders and the dignified clergy which was to endure for the rest of the century, and was the permanent condition of any real constitutional control of the monarchy. What Winchelsea and the ordainers had with difficulty enforced against a weakling, Stratford and his associates imposed on a vigorous and active king.

To the historian of household administration Stratford's formulation of the baronial position is of some importance, though it did but restate more specifically the position of Winchelsea and Thomas of Lancaster. The king regarded the country over which he ruled as his personal estate, to be administered by his household servants, in whom he saw his most trusted and useful advisers. To them he wished to assimilate the ministers whose original comprehension within the household system was already a mere matter of history. The baronial standpoint stressed the difference between the two classes of royal advisers, or comprehended both alike in a wide class of ministers of the nation. The king, they allowed, was the ruler of the land ; but he could only rule after taking advice, the natural councillors of a good king being the magnates of church and state. "The most special thing," wrote Stratford to Edward, "that which keeps kings and princes flourishing, is wise counsel." Solomon, by following the counsel of the wisest in the land, maintained his throne in peace and his vassals in subjection. Rehoboam, his son, adhered to young and foolish counsellors and lost most of his kingdom. Similarly sinister counsel brought Edward of Carnarvon to ruin, and the evil councillors of the reigning king's minority would have turned from him the hearts of his people, had not the prudent advice of the prelates and peers re-established his position and won him victory over all his enemies. Now the king, like his ill-fated father, was beginning to follow the example of Rehoboam, and it was Stratford's duty to urge on him the summoning of a parliament, that he might take the advice of the lords and wise men of the land, without whose counsel and aid he could neither conquer abroad nor live happily at home.[1]

[1] Stratford's letter of Jan. 1, written in French, is in Avesbury, pp. 324-327, and in *Foedera*, ii. 1143.

Edward's answer was the indiscriminate invective of the *libellus famosus*, a pamphlet in fact but in form a letter close, drafted officially in the chancery, and scattered broadcast to excite ill-will against the archbishop.[1] To this Stratford replied by urging the chancellor to revoke any letter issued out of chancery against the terms of Magna Carta and contrary to the liberties of holy church. In another manifesto he set forth at length the claims of the church to dominate the state. "There are two powers," he declared, "by which the world is ruled, the power of the priesthood and the power of the prince." Of these the sacerdotal authority was by its very nature superior to that of the state. High clerical claims were to be combined with baronial pretensions. The fusion of the two oppositions, already closely related, built up a solid constitutional rock against which the waves of court influence beat in vain.

The admirable steadfastness of Stratford resisted all attempts to lure him away from his cathedral. For four months he tarried with the monks of Christ Church, preaching political sermons in the cathedral, and walking as nearly as he could in the footsteps of the martyred Thomas. The stalwarts of the court party, Nicholas Cantelupe, Ralph Stafford the new steward, and finally Kilsby himself, went down to Canterbury and sought to bully him into compliance. But he would neither go over to Brabant as a pledge for the king's debts, nor answer to any charges except in full parliament and under safe conduct. At last Edward was

[1] It was published widely, being sent out to seventeen bishops, nine secular chapters, and to St. Augustine's and Christ Church, Canterbury. I have examined one of the originals sent to the chapter of Exeter and still preserved in the capitular library; *MSS. Cap. Exon.* No. 2227; compare *Hist. MSS. Com. Reports, Various Collections*, iv. 75. It is enrolled as a letter close; *C.C.R., 1341–43*, pp. 102-103. The Exeter copy is sealed with white wax by the great seal "en simple queue." Copies are variously dated, sometimes at Langley, Feb. 10, sometimes at Westminster, either Feb. 10 or 12. The dictum of Hengham in 1290 still held good, "quia in cancellaria et alibi in uno et eodem die unus clericus ponit unam datam et alius aliam"; *State Trials of Edward I.* p. 35. Place might have been added here to date. Stratford calls the royal correspondence, "libellos famosos per aemulos et inimicos nostros amare dictatos et scriptos." Bishop Orleton was suspected of having composed it (Avesbury, p. 33), but he denied it (Birchington, p. 39). It is unlikely that an aged bishop, whose political course was run and who was becoming blind, would have gratuitously taken up the duties of a chancery clerk. The responsibility was, of course, with king and chancellor. It can be read in print in *Foedera*, ii. 1147-1148, Birchington, pp. 23-27, and Avesbury, pp. 330-335.

forced to yield, and summoned the three orders to Westminster for Easter Monday, April 23.

While the controversy with Stratford was raging, the courtiers ostentatiously carried out their programme of reform. On December 10, 1340, sixteen separate commissions to hear and determine any oppressions and extortions by justices or other ministers of the king had been appointed, each having assigned to it a shire or group of shires.[1] The most prominent members of these commissions were the new ministers, the justices whom the king had just appointed to office and the courtiers who had been his chief helpers. But to each group one or more magnates were assigned,[2] though to secure their acceptance of such a post the king found it prudent to assure them that their consent to act would in no wise derogate from their privileges as "peers of the realm."[3] A single additional commission of Parving, Sadington and Scott, the new chief justice *coram rege*, was empowered a month later on January 13, 1341, to try Willoughby and the other prisoners, clerks and laymen alike.[4] Moreover, a general inquiry was ordered into the administration. Besides this, the rolls of every office of state, not only those of the chancery and treasury and the two benches, but those of the sheriffs, escheators, forest officers, and taxers and collectors of extraordinary aids, were to be scrutinised, and complaints against all

[1] *C.P.R., 1340–43*, pp. 106, 111-113. Cf. above, pp. 121-122.

[2] The constitution of the commission for London, Middlesex and Surrey is not quite typical. It consists of the chancellor, treasurer, privy seal, the chief baron of the exchequer and William Scott, soon to be made Parving's successor as chief justice *coram rege*. The northern commissions, on the other hand, contain the smallest official element. Nicholas Cantelupe served in three counties. Compare Murimuth, p. 118: "Et in quolibet comitatu ordinavit unum magnum justiciarium, scilicet comitem vel magnum baronem, quibus alios mediocres associavit."

[3] *Foedera*, ii. 1142. Each of the eleven magnates, who received this assurance, served on one of the commissions. I cannot agree with Mr. Pike (*Year Books of 14-15 Edward III.* pp. xxiv.-xxv.) that the eleven were "a list of the leading men in England in whom the king had the greatest confidence," and still less that Edward had "no confidence" in the officials he had just appointed. The truth is almost the contrary, namely, that the eleven were the doubters, who would not act, unless assured that their rights as "pares regni" were not endangered by compliance.

[4] *C.P.R., 1340–43*, p. 111. Besides the special commissions appointed for this purpose, old members of the local commissions took part in these trials. Thus the steward Stafford, Darcy the chamberlain, and Thomas Wake were among the judges of Willoughby; *French Chronicle of London*, p. 87. Wake's active intervention is confirmed by *Year Books, 14-15 Edward III.* p. 263.

such ministers solicited.[1] As a guarantee of return to normal administration, Edward directed the exchequer to see that all revenue should be brought with speed to the receipt at Westminster, and that no payments therefrom should be made, without the king's special order, unless by the treasurers and chamberlains. The many who had received special assignments on revenue at its source were put off with a vague declaration of the royal intention to give them satisfaction.[2]

It looked as if the whole of the machine of state was about to be overhauled. At first the investigations proceeded briskly, the commissioners showing great activity and punishing all the accused indifferently.[3] But the pace soon slackened, and the upshot was very much like what had happened in the trials of the judges after Edward I.'s return from the continent in 1289. The guilty officials found their best policy was to submit themselves to the king's will. Thus Willoughby, brow-beaten by Parving, who accused him of selling the laws as he would sell oxen or cows,[4] threw himself on the king's mercy, a course described by one of his judges, as "the wisest plea that he had ever pleaded."[5] Even then he was still led from shire to shire to answer suits against him. Yet in a few months, he was suffered to redeem his offences by a heavy fine, and restored with most of his fellow judges to the bench.[6] The chancery clerks seem never to have been tried at all, doubtless because of Stratford's outcry against the arraignment of clergy before lay tribunals. Later, the Easter parliament's petition for the release of all the imprisoned clerks was substantially granted.[7] The lay offenders had greater trouble in procuring their release, especially the financiers, who had few friends. The Londoners' zeal for civic

[1] *French Chronicle of London*, pp. 87, 88-89.

[2] *Foedera*, ii. 1147; *C.C.R., 1341–43*, p. 14.

[3] Murimuth, p. 118, "qui justiciarii tam rigide et voluntarie processerunt quod nullus impunitus evasit, sive bene gesserit regis negotia sive male."

[4] "Vendi les leys com boefe ou vache"; *Year Books, 14-15 Edward III.* p. 259.

[5] *Ib.* p. 263.

[6] *C.P.R., 1340–43*, p. 229. Pardon May 29, 1341, to Willoughby for all trespasses and oppressions from the days of Edward II. onwards by fine of 1200 marks assigned to the earl of Derby.

[7] *Rot. Parl.* ii. 130: "L'entencion le roi n'est pas qe clerks soient pris contre la lei ou en prejudice la privilege de seinte eglise." Miss Hughes, pp. 182-211, has put together the chief facts recorded as to the inquests and their results.

privilege compelled Edward to give up the sessions of the special justices in the Tower, but the only result was that William Pole and others stayed in captivity without trial. Pole did not obtain his release until May 1342, and only secured indemnity in 1344.[1] Already an abrupt stop had been put to the investigation of the charges against the present ministry. The adoption by the Easter parliament of 1341 of the programme of the opposition showed the king that it was useless to expect any definite results from the inquiries of the commissioners, who quietly gave up their task.

Edward was still full of fight when the Easter parliament met on April 23, 1341. The best evidence of this is the vigorous efforts made by the two household officers, Stafford and Darcy,[2] to prevent the two Stratfords and Northburgh taking their seats. When the archbishop, armed with a safe conduct,[3] wished to enter the parliament house, the courtiers forbade him admission. But the archbishop showed tact as well as boldness, though it needed a week of patience to secure the recognition of their rights.[4] A chronicler's story puts in dramatic, perhaps too dramatic, form the last stage in the process.[5] The second week of the session had begun. A "full parliament" was assembled, with the king on his throne, presiding over the general gathering, but Stratford was still kept out of his seat. A representative of the ancient houses, earl Warenne, had marked with disgust the absence of the three bishops and the presence of such men as Parving, Stafford, Kilsby, Darcy and others "not worthy to sit in parliament." He indignantly expostulated with the king. "Sir king," he cried, "how goes this parliament? Parliaments were not wont to be like this. For here those who should be foremost are shut out, while there sit other men of low rank [6] who have no business to be here. Such right belongs only to the peers of the land. Sir king, think of this." "Then John Darcy quietly got up and went out, and was followed

[1] *Ib.* ii. 154.

[2] It was "par abettement sire William de Killesby"; *French Chronicle*, p. 90.

[3] This, dated Jan. 26, is printed in *Foedera*, ii. 1146.

[4] Birchington, pp. 38-41.

[5] *French Chronicle*, p. 90.

[6] "Gentz de mester," almost equivalent to "servientes."

by Kilsby and the rest without a word." [1] In this silent abdication of their seats, the servants of the household abandoned the struggle. Other magnates associated themselves with Warenne's request, and the earl of Arundel demanded from the king the immediate admission of the archbishop. Edward could no longer resist, and granted what was asked. The Stratfords and Northburgh took their places, and a committee of magnates reported that the "peers of the land should not be arrested or brought to judgment save in full parliament and before their peers." [2] But the king still evaded the archbishop's vociferous demand to be tried by his peers, by the simple process of bringing no specific allegations against him. In these circumstances, it was useless to carry on the feud any longer. Accordingly, the king once more came to the full parliament in the painted chamber. "And the said archbishop humbled himself before the lord king and besought his favour, and the king received him back into his goodwill." [3] Thus ended the personal quarrel of the king and the archbishop. The result was largely in Stratford's favour, and he resumed his old place in the king's counsels, though doubtless with diminished authority.

The petitions of commons and magnates showed full consciousness of triumph. It is significant that they involved a return to the policy of the lords ordainers, and even expressed themselves in language which closely followed the phrasing of the ordinances of 1311. The claims included a demand that the chief ministers should be sworn, on appointment, to uphold the law and respect the great charter, that auditors of the accounts of all extraordinary war taxation should be appointed, and that the chief ministers should be appointed by the advice of the prelates, earls and barons in parliament.[4] Along with these

[1] "Et meintenaunt coyement sire Johan Darcy se leva, et s'en alla hors, et puisse après sire William de Killesby et touz les autres susnomez saunz nul mot parler"; *ib.* p. 90. It is amusing to see how the modern doctrine of the peerage lawyers has reversed Warenne's argument. In 1903 the House of Lords determined that Darcy's presence in a later parliament as chamberlain and councillor "proved that he sat in parliament in right of the barony of Darcy," that is, that he was there on an equality with those "peres de la terre" who in his lifetime had disowned him; *The Complete Peerage*, ed. Vicary Gibbs, iv. 57. But Warenne spoke as a partisan. The novelty in his attitude was his objection to the ministers holding seats in parliament *ex officio*. The practice, however, continued.

[2] *Rot. Parl.* ii. 127. [3] *Ibid.* [4] See below, p. 133, n. 4.

demands of the laity, the clergy, again under Stratford's leadership, insisted that the king's ministers should no longer imperil their souls and break the law by imprisoning clerks without regard to the privileges of holy church.

Edward was not prepared to admit such extensive claims, and returned ambiguous answers which parliament refused to accept. In consequence the session was prolonged until the eve of Whitsuntide, by which date the king ended the discussions by a partial concession. He allowed the ministers to take the required oaths to obey the law, and some of them at once pledged themselves on the cross of Canterbury. He agreed to such minor requests as the repeal of the ordinances of Northampton, which had been abused by employing procedure, devised to lay hold of malefactors, to "attach" any persons against whom the government had any ill will. He also permitted the commissions of inquiry as to ministers' acts to be revised and corrected to prevent them being misused, and granted an audit of the war taxes, provided that the treasurer and the chief baron of the exchequer were added to the nominees of the lords.[1]

Edward was recalcitrant on two items only. He would not accept the nomination of ministers in set phrase,[2] but he agreed that, on the death and resignation of certain specified officers, he would appoint fitting successors with the advice of the magnates and councillors near at hand. They should be sworn, as determined in the next parliament, and in each parliament these offices should be taken into the king's hands and the officers called upon to answer all complaints.[3] If convicted by judgment of the peers, they were to be removed and punished in accordance with their offences.[4] To the chief clerical petition

[1] Stubbs, *C.H.* ii. 409, speaks as if a general audit of accounts had been demanded and conceded. But the whole question was limited to the wool grant and other special taxes which had been definitely ear-marked for the expenses of the war.

[2] *Rot. Parl.* ii. 132. They were to be appointed by the king "par acorde des grantz qi serront trove plus pres en pays, lesqueux il prendra devers lui et par le bon conseil q'il avera entour lui," and were to be "covenable."

[3] *Ib.* ii. 132-133. The justices of the two benches, the justices assigned on various local commissions, and the barons of the exchequer were not to join in this surrender of their offices to the king at each parliament, though they were equally bound to answer complaints.

[4] *Ib.* ii. 132. Here also Stubbs overstresses Edward's concession. The words of the statute should be read along with Murimuth, pp. 119-120,

Edward returned a non-committal answer, disclaiming any intention of violating ecclesiastical immunities, and affirming that, if any clerks had been imprisoned, it was with just cause. "And if any one has any complaint, the king is ready to do his duty." [1]

The analogy between the policy of the triumphant opposition in 1341 with that of the ordainers in 1311 has already been emphasised. Though the parliament of 1341 represented the commons as well as the prelates and barons, it wished for the same things as the purely baronial assemblies of thirty years earlier. This is natural enough, since the leadership was still in the hands of the prelates and barons, though the endorsement of their policy by the commons immensely increased the moral force and the material resources of the magnates. There was nothing in 1311 analogous to the grant of 30,000 sacks of wool for the conduct of the French war with which the disappointed king was now consoled. In return for abandoning the doubtful advantage of ruling through his household, the king saw an opportunity of renewing his quest of the French crown, which

---

who well summarises the situation. "Sed finaliter rex concessit majorem partem dictarum petitionum, sed de praefectione et electione officiariorum non concessit." The "statutum" is printed in the roll of parliament. The comparison between the petition, the king's answer and the statute yields interesting differences of detail. The petition was that chancellor, treasurer, barons and chancellor of the exchequer, justices of both benches, and all other justices, steward and chamberlain of the household, keeper of the privy seal and treasurer of the wardrobe should be sworn, and that chancellor, chief justices of both benches, treasurer chancellor and chief baron of the exchequer, steward of the household, keeper and controller of the wardrobe, "un clerk convenable pur garder son prive seal," and the chief clerk of the common bench should be appointed by the advice of the prelates, earls and barons in parliament, and sworn as above before the peers (*Rot. Parl.* ii. 128). The king's answer (*ib.* p. 131) accepts the last without specifying the offices, but the statute (*ib.* p. 132) gives a different list, viz. chancellor, treasurer, barons and chancellor of the exchequer, justices of the two benches, "justices assignez en pais," steward and chamberlain of the household, keeper of the privy seal, treasurer and controller of the wardrobe," et ceux qi sont chiefs deputez a demurer pres du filz le roi, duk de Cornewaille." The petition for the baronial appointment of ministers is remarkably close in its wording to the corresponding ordinance of 1311, even in such an omission as that of chamberlain and in the description of the keeper of the privy seal as "un clerk covenable pur garder son prive seal." Perhaps bishop Northburgh, the first keeper in 1312, and the only survivor of that period still in active politics, may have had something to do with these resemblances. Above ii. 286-289. See also above ii. 231, 285 and 320.

[1] *Rot. Parl.* ii. 130.

experience had proved to be impossible as long as he was in conflict with the magnates backed up by the commons. As in 1311, the parliament had emphasised the unity of the administration. Household ministers and great officers of the crown were alike, not only because all were equally servants of the king, but because they were also, as ministers of the nation, responsible for their acts to the baronage by whose advice they were chosen, and consequently liable, if they did amiss, to be judged by the peers of the realm, and that in full parliament. It seemed as if the triumph of the estates were complete, and that the baronial theory of government had met with general acceptance.

Events soon showed that this was far from being so. If there were unity of administration from the parliament's point of view, there was an equal singleness of purpose among the servants of the crown, looked at from the standpoint of the king and the court. This unity was at the moment not a unity of theory merely. The changes in the administration brought about by Kilsby's *coup d'état* still remained, and the chancery and treasury, like the privy seal, the wardrobe and the chamber, were in the hands of the king's friends, pledged by interests and traditions to an anti-baronial, anti-clerical policy. These men were not likely to let power slip from their hands without a supreme effort. When, at the moment of the dissolution, the ministers were called upon to take the prescribed oath to obey the laws and the charters, some of the most prominent, including Stafford and Darcy as well as the chief non-household officers, abstained from the unwelcome obligation.[1] Among these we may be sure was Kilsby, and even those who had taken the oath had no intention of abiding by it. It was recorded on the parliament roll that "the said chancellor, treasurer and justices made their protest that they did not assent to the form of the said statutes, and that they could not observe them in the case that the said statutes were found contrary to the laws and usages of the realm which they had already sworn to observe."[2] The king himself

[1] The ministers who swore on the cross of Canterbury included the chancellor, treasurer, some of the justices of the benches, the steward and chamberlain, and some others; *Rot. Parl.* ii. 131.

[2] *Ib.* ii. 131.

registered a similar protest. For the moment, however, these declarations were kept secret.

Parliament broke up on May 26, the eve of Pentecost, and great pains were taken to give publicity to its statutes. Yet in recognising the importance of what this parliament did, it would be an error to consider its legislation as its most valuable or enduring work. Its significance lies rather in the virtual imposition on the crown of the whole Lancastrian constitutional programme, and notably the Lancastrian doctrine of peerage. Though Edward was astute enough to avoid formal decisions on the questions both of trial by peers and of the nature of peerage, the virtual triumph of Stratford and his associates involved little less than a pronouncement in their favour. What had been a party programme for more than twenty years was now accepted as a constitutional principle, and the baronial conception of peerage became in the course of the next generation the recognised theory of the English state. The idea at the root of the baronial theory of peerage was closely connected with the baronial doctrine that the magnates were the natural councillors of the king. As such, it was antagonistic to the royalist view that the king could summon whomsoever he pleased to his councils.

Over a hundred years earlier, the curialist Peter des Roches had laid down the doctrine that there were no "peers" in England as in France.[1] Constitutional historians, who have read into the thirteenth century the doctrine of a later age, have characterised this statement as a blunder.[2] At least it was the doctrine not only of Henry III. but of Edward I., who, so far from creating, as has been imagined, a closed "house of lords" of hereditary peers, made the smallest concession he dared to the principle of heredity. He freely summoned to his parliament not only his ministers of all degrees, but such men of estate whom he chose, without imagining in the slightest that he was

[1] M. Paris, *H.M.* iii. 252.

[2] Stubbs, *C.H.* ii. 191, calls Peter's assertion an "ignorant blunder," though he at once goes on to statements which tend to disprove his dictum. But Stubbs implicitly taught that Edward I. was the creator of the house of lords, led to this view by the unconscious influence of the "legal opinion" which he disliked, whose ultimate outcome is the monstrous and unhistorical theory of the modern peerage lawyers.

giving their descendants a right to a similar privilege. The doctrine of a closed and limited "peerage" was a baronial, not a royalist creed. The very phrase "peers of the realm" first cropped up in the manifestos of the baronial opposition to Edward II. It was revived again when barons combined with courtiers to overthrow the rule of Mortimer, and its first appearance in records was in those of the parliament of October 1330, when Mortimer was judged by his "peers." They only condescended to pass sentence upon Simon of Bereford and other non-baronial traitors because their cases were brought before them, and not because these culprits had any right to such a trial. Nine years later, in 1340, the phrase received royal sanction when Edward III. in appointing his brother-in-law, William of Jülich, earl of Cambridge, also appointed him a "peer of the realm."[1] Finally, the same doctrine of peerage permeated the whole of the proceedings of the parliament of Easter 1341, as well as the Stratfordian constitutional literature which had prepared public opinion in advance.

What did "peers" mean to the king in 1340 and to the magnates of 1330 and 1341? It was a term closely associated with judicial work, for the "peers of the land" are constantly described as "judges of parliament." Yet it was not used, as some have imagined, in a purely judicial sense, and had assuredly next to nothing to do with the *judicium parium* of Magna Carta. To me it seems clear that "peers of the land" were simply synonymous with the magnates who were habitually summoned to parliament. Inevitably the expression covered prelates, earls and barons. If other "peers" were added to them, their inclusion does not refer to a particular type of "ennobled blood," or even to a vague and extensive non-represented aristocracy, but to the ministers, judges and other official members of parliament, or to the persons of baronial status, who had not happened to be present in the first instance or to have been summoned to that particular assembly. Accordingly Stratford claimed "trial by peers," not because he "held by barony" but because he

[1] *Foedera*, ii. 1124 (May 12, 1340), "ipsum in comitem et parem regni nostri rite creaverimus, nomen comitis Cantebrigiae sibi, et haeredibus suis, ex eo legitime descendentibus, pro titulo perpetuo concedentes." The stress is on the hereditary character of the title, but it also involves, I think, the hereditary idea of peerage.

was the greatest "magnate of the land." Nevertheless the tendency of the phrase was to limit the political "peerage" to a definite and restricted class, the class of "greater barons," the magnates of church and state, who had a hereditary claim to give the king counsel, and therefore a moral right to a parliamentary summons. Before long, though not yet in 1341, it was definitely to exclude ministers as such, just as the parliament of 1330 had already excluded officials like Simon Bereford.[1] This doctrine of peerage was in short what made most powerfully for that "hereditary house of lords" which was almost in being by the end of the fourteenth century, though not quite formally established until the days of the Tudors. In imposing the doctrine of peerage on the constitution, the parliament of 1341 made its most prominent mark on history. A strictly hereditary peerage was in baronial eyes the best safeguard against the household system, and the rule of the upstart courtier.[2] It was a further

[1] Bereford was a knight and escheator south of Trent, but had never been summoned to parliament.

[2] In his brilliant and provocative chapter on "the fiction of the peerage" (*Evolution of Parliament*, pp. 81-106), Prof. Pollard has usefully collected early instances of the occurrence of the phrase "peer of the land," and has done good service by dissipating some widespread delusions. Unluckily his overstressing of the "judicial" aspect of parliament has thrown some of his facts out of focus, and has led him to interpret his quotations with imperfect regard to their context. It is, in my judgment, a pure illusion to speak of peers numbered by thousands, and "including the lesser as well as the greater barons" (p. 87). Nor can I accept the doctrine that "thousands" of tenants-in-chief were presumed to have been at the Salisbury gemot of 1086 (p. 88), or the wanton suggestion that "barons" could not be "knighted," according to "feudal principle." The treaty of Leake (p. 93) did not "provide for the attendance at council" of certain "representatives of Lancaster," but instituted a short-lived new "standing council," of which Lancaster's representative was only one out of five. When the treaty of Leake speaks of "agard des pieres," this has nothing to do with "judgment by peers." It is a simple reference to parliament of things outside the purview of the standing council. On p. 95 the reference to *Rot. Parl.* ii. 107 is misunderstood. The offer of a tenth sheaf, etc., of their demesne lands in Jan. 1340, made by "les countes et barouns esteanz en dit parlement" was "pur eux et pur lour piers de la terre qi tiegnent par baronie," that is, it was an offer by the earls and barons, present in parliament, not for themselves only, but also for the earls and barons who did not happen to be there. It does not prove that "others were peers as well as earls and barons." I hold, therefore, that "peer" is "officially" (or I should rather say "loosely") used as a "normal description of those who received a special writ of summons." It is to be regretted that none of these slips have been corrected in the second edition of this remarkably able book. In the rolls of parliament "peers" generally mean "prelates, earls and barons." This is what the term "peer" means in the accurate and well-informed Murimuth. The term was used officially as early as 1341. See *Year Book 15 Edw. III.* p. 389, "*Nota* qe jour

extension of the doctrine when the bishops, whose rights as peers were so emphatically stressed by Stratford, were later denied the status of peers by a strictly hereditary aristocracy.

Edward III. was, as ever, an opportunist, and his progress from one definite point to another had little regard for general principles of policy. As soon as the unwelcome parliament was got rid of, he began to look around for pretexts to repudiate his concessions. An excuse had already come, while parliament was still in session, to divert attention from home to foreign politics. This was the death of the duke of Brittany and the resultant disputed succession to that duchy. This gave Edward

---

de grace fust done contre le counte de Gareine, . . . *non obstante* qil est pere de la terre." No doubt canonical restrictions limited the part of the prelates in judgments, but this did not destroy their rights as peers. A further and rather disturbing light on the doctrine of peers is thrown by *Modus Tenendi Parliamentum*, but not one that is favourable to Mr. Pollard's doctrine. In this interesting treatise, "pares parliamenti" or "pares regni" means little more than "members of parliament." There are six "gradus parium parliamenti," or as we should say estates; *Select Charters*, p. 508. Every member of each order is the peer of his comrades of that rank, though all are peers of parliament. All "pares parliamenti" are normally to be seated, but they must stand to speak, so as to be heard by the "pares, quia omnes pares sunt judices et justiciarii" (p. 512). There is no suggestion of limiting the judicial function to the magnates. All through, the rights of the "communitates" are emphasised. Though in granting aids it is necessary "quod omnes pares parliamenti consentient," yet money grants are the special business of the three lower "grades," namely the proctors of the lower clergy, the knights and the burgesses. No one can withdraw from parliament, "nisi optenta inde licentia de rege et omnibus paribus suis," that is the members of his own grade. Each order has its separate place in the parliament house; "nullus sedeat nisi inter suos pares" (p. 511). Prelates are a separate order from "comites et barones et suos pares." All "peers" of earls and barons have a right to a summons, and that on the ground of tenure of fees, worth £400 a year for an earl, and 400 marks for a baron. "Et nulli minores laici summoneri nec venire debent ad parliamentum" (p. 503). Ministers, justices, officials and clerks are "de parliamento" but not really of it, sitting apart from the six orders (p. 511). This treatise was certainly not written in its present form under Edward II., and I doubt whether Prof. Pollard is justified in pushing back the "original draft" to "the latter half of Edward II.'s reign" (*Evolution of Parl.* 2nd ed. p. 433), but it may well be an idealisation of parliament any time after 1341. The stress laid on "peerage" and on the closed character of the baronial "gradus," shows that the Lancastrian point of view is mainly represented, though with greater bias towards the commons than one would expect at this stage. For the date see Bémont, "La Date du Modus Tenendi Parliamentum" in *Mélanges Julien Havet*, pp. 465-480 (1895), and D. K. Hodnett and W. P. White, "The Manuscripts of the Modus Tenendi Parliamentum," in *E.H.R.* xxxiv. 209-224 (1919). From internal evidence I rather incline to the view that it was drawn up, not before 1340, but probably not very long afterwards.

a chance, as the partisan of the claims of John de Montfort, to revive the war in France without ostensibly violating the still abiding truce. It looks as if he availed himself of this to secure the goodwill of the more militant section of the baronage, always more anxious to fight abroad than to carry on political warfare at home. In any case, he seized the opportunity. On October 1, 1341, he sent letters close to all the sheriffs, declaring that, after taking council with earls, barons and other skilled councillors, he had resolved to revoke the "pretended statutes" of the late parliament. He had never agreed to their terms; he had only consented to them because, had he not done so, parliament would have broken up in disorder and left him without supplies. "We have, therefore," he declared, "dissimulated as was our duty, and allowed the pretended statute to be sealed." He now annulled it "because it seemed to the aforesaid earls, barons, and men learned in the law that it was null, because it did not proceed from our spontaneous goodwill, and was contrary to English law and the king's prerogative. Nevertheless, all that part of the statute which was consonant with English law must still be observed." [1]

There was little murmuring against this outrageous breach of faith, and the statutes of 1341 went unlamented the way of the 1311 ordinances. When, after a two years' interval, parliament was once more assembled in 1343, it accepted meekly the violent act of the crown and repealed the offending statutes. Again the stolid conservatism of fourteenth century England had frustrated in turn both the attempts of the king to ride roughshod over the traditions of the constitution, and the efforts of the magnates to set up a premature Whig oligarchy to which the king was to stand in the position of a doge. The two great political elements of the English nation, the monarchy and the baronage, remained much as they had been before. Neither undiluted household administration, nor frank and full baronial constitutionalism of an oligarchic sort, were found in practice to be possible. The two antagonistic elements went on, for two more generations, side by side. They lived happily enough together, so long as a common national enemy and common

[1] *Foedera*, ii. 1177. The letters close were warranted "per ipsum regem et concilium."

social and economic aims kept up a rough good feeling between them.

Yet the result of the years of struggle was not altogether negligible. The strain and stress of purposeless discord taught king and nobles alike not to insist upon their respective claims too far, but to come to some sort of mutual understanding. Military success abroad gave a further justification to a policy of live and let live at home. The lesson of the years of conflict between 1338 and 1341 is writ large in the political history of the next generation. After a period of constant revolutionary experiment, there followed many years of general tranquillity. Edward had his reward in the increasing support which his subjects gave to his foreign ambitions; the fighting classes found careers of glory and plunder beyond sea, and the trading classes grew prosperous on the profits of exploiting a national effort. The sharpness of contrast between antagonistic parties was gradually cut away. The household officers became more conservative and prudent; the ministers of state took up an attitude hardly to be distinguished from that of the men of the household. The actual triumph was with the barons, and it is fairly evident that Edward thoroughly learnt the lesson of his failure. It was clear to him that, if he wanted to fight the French, he must keep both the warrior and the wealth-producing classes on his side. For the future he was always willing, at a pinch, to purchase supplies by concessions.

Thus barons and commons stepped into their own. Two parallel ministries passed out of mind, and there was achieved some sort of unity of administration under a national king, such as England had not seen since the days of Edward I. In such an atmosphere the household system gradually adapted itself to changed conditions. Accordingly, the historian of administration, who has been bound to follow meticulously the political history of the first twelve years of the reign, can now proceed at a more rapid pace through the comparative administrative monotony of the years to come. For him, as for the contemporary chronicler, battles and diplomacy loom largest on the scene; and with these he has very little concern, the more so as the war experience of past years had already suggested the general methods of organising and financing new campaigns.

Even the deeper movements of the next generation make but a partial appeal to him. The commercial problem, notably the question of the staple, required some administrative readjustments; but these were mainly on conservative lines. The social and economic problem, so pressing after the Black Death, needed more drastic treatment. Closely associated with it was the problem of internal peace, but already the way of salvation had been found in the local royal officers of justice who were soon to be called justices of the peace.[1] Good work was done along all these lines, but the main feature of the time was the absence of strife at home, following on the suspension of the diarchy which had disputed the governance of England in the days of the warfare between Kilsby and Stratford.

[1] See for the early use of this phrase, Prof. B. H. Putnam, *Early Treatises on the Practice of the Justices of the Peace*, pp. 191-193 (Oxford Studies in Social and Legal History, vii.).

APPENDIX TO SECTION III

THE WALTON ORDINANCES

Issued July 12, 1338

Two contemporary texts of these ordinances are extant. One is the roll sent to chancery on July 12, preserved among the Chancery Warrants (*C.W. File* 248, *No.* 11238 *B*), together with the covering letter under the privy seal directed to the chancellor (*C.W. File* 248, *No.* 11238 *A*). The other is the enrolment of the ordinances in a memorandum on the dorse of the Close Roll for 12 Edward III., Part II. (*C.R.* 161, m. 19d: *C.C.R., 1337-39*, p. 525), with which were also enrolled the privy seal letter received by the chancellor, memoranda indicating where the writ and roll were filed and that the ordinances were later sent to the exchequer, and the writ which accompanied the ordinances to the exchequer in September 1338. This last writ is also enrolled in *Memoranda Roll, K.R.* 115 (breu. dir. bar., Mich. t. m. 3d.). There the date of the writ is September 7, though in the Close Roll it is September 6. The ordinances had been sent to the chancery under the privy seal, and the chancery sent them to the exchequer "sub pede sigilli." For the significance of the phrase, generally translated as "under the half seal," see Maxwell Lyte's *Great Seal*, pp. 304-309. The Close Roll copy of the ordinances, and the related writs and memoranda enrolled with it, are printed in *Foedera*, ii. 1049-1050, and therefore have been available for historians for some two hundred years! Yet the only writer who has devoted attention to them is Miss Dorothy Hughes, in her London M.A. thesis, *A study of social and constitutional tendencies in the early years of Edward III.* (1915), pp. 45-72. Miss Hughes unfortunately has been misled into regarding these ordinances as promulgated "for the guidance of the exchequer" (pp. 46, 48), presumably by the careless wording of the descriptive phrase in the Calendar of Close Rolls, "certain ordinances for the regulation of the exchequer" (*C.C.R., 1337-39*, p. 525), for which there is no authority either in the Close Roll or in the actual roll of the ordinances. That error, and one or two other misconceptions, such as that "treasurer of the household" and "treasurer of the wardrobe"

were different personages (pp. 50-51), and that fifteenth and sixteenth century developments were in operation in the fourteenth century exchequer (p. 52), detract somewhat from the value of Miss Hughes' otherwise able and interesting piece of work. Stubbs, as Miss Hughes points out, refers to the Walton ordinances only in a footnote, where he misunderstands their scope, regarding them as a concession from the king in return for the parliamentary grant of wool made earlier in the year (*C.H.* ii. 399, n. 3). The roll sent to the chancery has no heading, but it is divided into ten paragraphs, each with a marginal title, which is useful in an attempt to understand the content and import of the ordinances. These titles are omitted from the Close Roll enrolment, and the general heading *De ordinacionibus subscriptis obseruandis* substituted. The orthographical differences between the ordinance roll and the Close Roll enrolment of it are in themselves unimportant, but they illustrate the fact that an enrolment need not be—and probably rarely was—an absolutely faithful copy of the original, and that spelling was a matter of indifference. Hence I have thought it worth while to print here the roll of the ordinances, indicating in footnotes the variant spellings of the Close Roll enrolment. The paragraphing of the roll has been retained, though for convenience of printing and reference, the left hand marginal titles have been numbered and put at the head of each paragraph in small capitals. Punctuation and capitals have been slightly modernised. The meaning of some portions is quite dark to me, notably a large part of section 7. Yet the enrolling clerk seems to have copied the apparently meaningless sentences sent into chancery from the privy seal office. It did not seem necessary to print the original letter of privy seal, as the Close Roll enrolment of it, printed in *Foedera*, deviates from it only in one or two trivial details of spelling. It may perhaps be permitted to point out that *pemblete* of the *Foedera* ought to be *peniblete*. The letter also contains a reference to the wool grant which had been made some time before. For similar reasons the writ sent with the ordinances to the exchequer has not been printed here.

Chancery Warrants, File 248, *No.* 11238 *B.*[1]

1. La forme de faire garantz.[2]

Desore nulles dettes, auxibien de temps passe come de temps auenir, obligacions, assignementz, paiementz, douns, ou regardz quecumqes ne soient faitz, assignez[3] ne paiez en nulle manere, si noun[4] primes par suffisantz[5] garantz du priue seal faitz par assent

[1] The roll, consisting of two membranes, measures $6\frac{5}{8}$″–7″ wide × 47″ long.
[2] The headings are written in the left hand margin of the roll.
[3] assignes. [4] sonoun. [5] suffisauntz.

du roi, et de vn homme sage suffisant, par li a ceo [1] assigne, si ceo ne soit les fiedz qi sont touz iours en certein, issint toute [2] foitz qe mesmes [3] les garantz facent expresse mencion de la cause pur quei celles dettes, obligacions, assignementz, paiementz, douns, ou regardz sont faitz. Et qe mesmes [4] les garantz en nulle manere ne facent pas mencion desore qe le roi eit rien pris vers lui mesmes pur ses secres busoignes, ou qe tiel ou tielx eient paietz certeines sommes pur secres busoignes, auxibien par dela, come par decea, des queles sommes il voet qe nul ne soit charge. Et tous [5] les garantz auantditz soient enroulles par vn certein clerk a ce assigne et jure [6] en breues paroles,[7] cest assauoir tiel iour, lieu et an, est issu vn tiel garant, pur tiele busoigne, purportant tiele somme. Et soient les auantditz garantz contreroullez par lauisement de vn hom [8], sage suffisant et conisant, qi le roi voudra a ceo [9] assigner, par vn certein clerk de la chambre nostre dit seignur a ceo [10] assigne et iure, dont celuy qi serra issint assigne par le roi, come desus est dit, eit les contresommes. Et au bout de chescun an, les chamberleins del escheqier, en presence du tresorier [11], acompteront [12] deuant vn euesqe,[13] vn baneret et vn clerk, sages et conisantz, deuant queux celui qe le roi auera issint assigne, come desus est dit, oue le clerk qe [14] porte [15] le priue seal, et le clerk de la chambre [16] le roi qi auera contreroullez [17] les dit [18] garantz, ferront venir vn [19] contreroulle souz lour seals demeisne, et souz le priue seal, des auantditz garantz, par tesmoignance de quel roulle [20] et lacordance des garantz auantditz, les ditz chaumberleins [21] prendront allouance et autrement nient. Et en cas qe le roi face nul voiage ou alee [22] nulle [23] part deinz son roialme ou dehors et ameyne oue lui [24] son priue seal, et en [25] le men temps il busoigne de tenir vn conseil, ou deux ou plus ou meyns, en diuerses places, et les busoignes tretees en mesmes les conselx demandent paiement ou execucions de diuerses busoignes le roi, ou autres choses necessaries demandantz garantz, adonqes celi [26] ou ceux, qi [27] serra ou serront gouernours et chiefs des ditz conseilx, ferra ou ferront billes souz lour sealx propre en noun de roi en lieu de garantz a ceux as queux il appartient dauer garantz,[28] issint totefoitz [29] qe les busoignes le roi par cause dabsence de li et de son priue seal ne soient defaitz, et qe les dites billes facent expresse mencion en la fourme susescrite.[30]

[1] ce.
[2] tote.
[3] meismes.
[4] meismes.
[5] toutz.
[6] iure.
[7] paroules.
[8] homme.
[9] ce.
[10] ce.
[11] tresorer.
[12] acompterent.
[13] euesqz.
[14] q'.
[15] port.
[16] chaumbre.
[17] contreroules.
[18] ditz.
[19] vne.
[20] roule.
[21] chaumberleines.
[22] ale.
[23] nul.
[24] luy.
[25] Omitted from *C.R.*
[26] celuy.
[27] q'.
[28] garant.
[29] toutefoitz.
[30] susescriptz.

Et les ditz chiefs gouernours des auantditz conselx a lor primere venue au roi apporteront a li[1] transescritz[2] des dites billes qil aueront issint fait en absence du roi, queux transescriptz serront veu et diligeaument examine et puis monstre au roi par celi qi le roi auera assigne come desus est dit, et par le clerk du priue seal et du clerk de la chambre[3] le roi a ce assigne, et puis soient enroullez[4] et contreroullez[5] come desus est dit, et sur ceo soit faite[6] lettre du priue seal a ceux qi[7] aueront receu les dites billes en lieu[8] des garantz, reherceant mesmes les billes, quelles par les dites lettres du priue seal soient duement allouez.[9] Et les ditz acomptes[10] issint oi, soit le roi et son conseil auise en la plus breue manere come homme poet, comebien les issues de sa terre, come de profitz de chescune place, custumes, gardes, mariages, forfaitures, aides come de x^es^[11] et xv^es^[12] et autres tieux aides et profitz semblables li aueront rendu. Et sur ceo soit monstre[13] au roi et son consail lestat de sa tresorie distinctement par leuesqz, baneret et clerk susditz en la plus breue manere come hom[14] poet.

2. COMENT VISCONTES ET AUTRES FOREINS MINISTRES ACOMPTABLES SERRONT FAITZ.

Item qe desore touz les viscountes[15] de chescun counte[16] soient eslieuz[17] de an en an par les bones gentz des contez[18] tieux pur queux mesme les gentz des[19] contez[20] voudront respondre a lour peril auxibien au roi come as parties. Et les nouns de ceux soient presentez au chaunceller par les bones gentz susditz.[21] Et sur ceo soient lour commissions faitz.[22] Et qils ne soient mye[23] remuez[24] tancqe[25] vn an acompli, et lan fini, aillent a lour acompte. Et touz les autres grantz ministres des contes,[26] et auxint les coustumers de chescune ville la ou port ou custume sont, soient eslieutz par les bones gentz des villes, pur queux les villes voudront respoundre. Et les contre-roullours[27] auxibien des mines la ou ils sont, come des custumes soient eslieutz[28] en plein contee,[29] des plus loiaux et plus suffisantz[30]

[1] lui. [2] transescriptz. [3] chaumbre.
[4] enroulles. [5] countreroullez. [6] fait.
[7] q'. [8] lu. [9] alloues.
[10] acomptz. [11] dismes. [12] quinzismes.
[13] mustre. [14] homme. [15] viscountz.
[16] countee. [17] eslieus. [18] countes.
[19] de. [20] countees. [21] susdites.
[22] faites. [23] mie. [24] remues.
[25] tantq'.

[26] countz. The readings are clearly " ministres des contes," and " ministres des countz," yet these " ministers of the shires " are, according to the texts, to be elected, like the customers of each town, by the towns. This is ridiculous, for counties elected county officers, and boroughs, borough officers, and so on. It looks as if some words had been omitted.

[27] countreroullours, [28] eslutz, [29] counte, [30] suffisauntz,

du conte[1] a ce[2] faire bien feffes de laite a respondre[3] au roi, et soient les nouns presentez[4] au chanceller[5] par les dites bones gentz, et sur ce[6] lour soit fait commission, issint en nulle manere qe nul contreroullour[7] soit a terme de vie. Et si nul soit, soit repelle. Et qe en mesme la manere soient les taxours eslieuz[8] des meillours plus loiaux[9] et plus suffisantz[10] des countez.[11]

3. Repel de coustumes.

Item qe totes les lettres faitz as diuers gentz qi qils soient destre quites des custumes, taillages, x^{es}, xv^{es}, et autres contribucions, soient generalment repellez.

4. Des estallementz des dettes et des billes de la garderobe.

Item qe nul estallement soit fait a nul qi soit de grant dette ou petite en nulle manere, tancqe[12] le roi soit hors de dette ne[13] nul respit fait[14] de dette du et encore ne dacompte puis le temps le roi qore est. Et si nul estallement ou respit soit fait du dit temps soit repelle, et soit paie et rendu au[15] plus tart[16] deinz deux ans.[17] Et qe nulle anciene[18] dette hors du temps le roi qore est, come des billes de la garderobe, et autres dettes semblables ne soit paie tancqe[19] le roi soit hors de dette.

5. Des fyns pur dettes des progeniturs le roi.

Item quant as dettes dues a nostre seignur le roi le piere et a ses progenitours, si nul dettour voudra faire fyn, cest assauoir a doner pur la liuere[20] de la dette entiere, vne somme meins[21] qe la certeine[22] dette amounte, soit parle et auise oue le consail,[23] et fait outre ce qe semble pur le profit le roi.

6. De charge des escheturs.

Item qe les eschetours soient chargez[24] estroitement qe desore ne returnent nulles estentes des terres qe le roi dorra ou lessera en allouance des dettes, ou baudra en value de certeines retenances. Ne des gardes et mariages qe[25] deuient estre venduz ou donez, si noun bones, verroies et resonables sur le peril, etc.

[1] counte. [2] ceo. [3] respoundre.
[4] presentes. [5] chaunceller. [6] ceo.
[7] countrerouller. [8] esluz. [9] loialx.
[10] suffisauntz. [11] countees. [12] tantq'.
[13] de. [14] faite. [15] a.
[16] tard.'
[17] anz. The *C.R.* does not end the sentence here.
[18] ancien. [19] tantq'. [20] liure.
[21] meinz. [22] certeyne. [23] conseil.
[24] charges. [25] q.'

7. DES DOUNS ET GRANTZ QE LE ROI FERA.

Item en cas qe certeines gentz qecumqes[1] demandent du roi baillies ou offices sanz meins rendre qils ne soleient[2] en temps de ses auncestres annueltez, terres, rentes, gardes, mariages, eschetes, forfaitures ou autres possessions quecumqes,[3] ou deners ou pardoun des dettes, soit auise ceo[4] qe le roi lour ad fait deuant soit ce[5] pur bon seruice, ou de sa bone[6] grace et volente,[7] et sils eient plus deserui, adonqes soient plus regardez[8] couenablement, et sil semble au roi qe le primer regard'[9] lour doit suffir'[10] encore,[11] adonqes soit respoundu qe le roi en couenable temps les regardera bonement. Et des choses qe li serront issint demandez puet le roi regarder autres qi laueront deserui qe nul tiel regard' nen ont[12] en ou del retenir' a son oeps demesne, tutefoitz si le roi donne baillie, ou face regard' des tieles[13] choses susdites, qil sace[14] primes la veroie[15] value, dont[16] soit leschetour par mont chargeant serment[17] et peril charge qe nulle feinte enqueste et procurement soit fait, sicome desus est dit, et qe auant qe le roi face son grant, qil soit enfourme de la value des dites choses par estente, ou par bone certificacion de son chanceller[18] et tresorier[19] ou autre ministre a qi il appartient,[20] et voie qe ceux[21] as queux il voet faire tiele[22] grante le vaillent ou leient[23] deserui, issint tutes[24] voiez,[25] qe nul grant regard' ne soit iammes fait, sanz grant et bon consail et auis et especialment par bon suffisant et expres[26] garant souz le priue seal enroulle[27] et contreroulle[28] en cele place en la forme[29] susdite, issint tutes foitz qe rien ne passe hors de la chauncelerie[30] sanz especial et expres[31] garant du priue seal, salue chose qe touche la ley et loffice de chaunceller tantsoulement,[32] mes de chose qe touche especiale grace, ou chose qe soit contre[33] les ordinances susescriptes, nient. Et sur ceo soient les roulles[34] de la chauncellerie, les garantz, et les contreroulles[35] des garantz, veuz et examinez[36] par vn euesqe,[37] vn baneret, et vn clerk, en presence de celuy qe le roi auera issint assigne come desus est dit, et du clerk du priue seal et [du clerk] de la chaumbre de quarter en quarter, etc.

[1] quecumqz.
[2] soleint.
[3] quecumqz.
[4] ce.
[5] ceo.
[6] bon.
[7] volunte.
[8] regardes.
[9] regard.
[10] suffire.
[11] vncore.
[12] ount.
[13] tiels.
[14] facez.
[15] verroie.
[16] dount.
[17] serement.
[18] chaunceller.
[19] tresorer.
[20] apartient.
[21] eux.
[22] tiel.
[23] leuent.
[24] toutes.
[25] voies.
[26] expresse.
[27] enroule.
[28] countreroule.
[29] fourme.
[30] chauncellerie.
[31] expresse.
[32] tantsoulment.
[33] countre.
[34] roules.
[35] countreroules.
[36] examines.
[37] euesqz.

8. La forme des paiementz de guerre et des solempnes messages enuoiez outre mier.

Item quant le roi enuoit vn son tresorier a despendre son tresor [1] come en sa guerre Descoce et aillours, soit le roi auise qe celuy [2] tresorier,[3] soit il lai [4] soit il autre, qil soit suffisaument [5] rente de lai fee si qil soit suffisant de respoundre [6] au roi. Et [7] qe des tutes choses qil paiera en cele [8] guerre pur son temps, il ne fait rien santz [9] lettre de garant de cheiueteyn [10] souz le roi de cele guerre, le quel cheftein, son temps fini qil auera demure, aporte au roi a sa venue vn roulle [11] endente entre luy [12] et le dit tresorier [13] souz son seal, contenant en la plus breue [14] manere qe hom [15] poet, les garantz qil auera faitz au dit tresorier,[16] queu roulle [17] soit veu et examine deuant le consail et puis enuoie a lescheqier souz le priue seal, et sur ceo eit le dit tresorier [18] due allouance sur son acompte. Et issint soit fait en autres lieux come en Gascon',[19] Irland',[20] Alemaine et aillours en la plus breue manere qe len poet bonement sicome auant est dit. Et semblablement en solempnes messageries, monstrent les messages outre lour certeines gages les autres mises et foreins [21] coustages qils yaueront mys,[22] par quele tesmoignance et par lour lettres, aueront due allouance ceux as queux il attient par reson.

9. De sauoir en quel estat le roi est des dettes qil doit et du tresor qil ad.

Item regarde le grant tresorier [23] combien le roi doit [24] as diuers grantz marchantz seueralment a chescun, et des autres grantz dettes, et combien le roi ad desore prest a leuer de soi acquit' et meintenir son estat, par estimacion, et certefie [25] au roi.

10. Del houstel le roi.

Item qe le tresorier [26] del houstiel neit nulle allouance de foreine chose qe ne soit proprement des despens del houstel,[27] sanz bons [28] et expres [29] garantz du priue seal, qe soient enroulles [30] et contreroullez,[31] come deuant est dit. Et qe les contresommes des despenses del

[1] tresore.
[2] celui.
[3] tresorer.
[4] lay.
[5] sufficiaument.
[6] respondre.
[7] The *C.R.* does not begin a new sentence here.
[8] celle.
[9] sanz.
[10] cheueteyn.
[11] roule.
[12] li.
[13] tresorer.
[14] bref.
[15] homme.
[16] tresorer.
[17] roule.
[18] tresorer.
[19] Gascoign'.
[20] Irlande.
[21] foreinz.
[22] mis.
[23] tresorer.
[24] deit.
[25] certifie.
[26] tresorer.
[27] houstiel.
[28] bones.
[29] expresses.
[30] enroules.
[31] countreroullez.

houstiel demurgent vers le clerk de la chaumbre par veuwe et examinement de celui qe le roi auera assigne, come desus est dit. Et qe nul prest soit fait hors de la garderobe as foreins [1] gentz ad restituend' [2] les deners sanz especial comandement de la bouche le roi, et par garant, sicome deuant est dit. Et qe les despenses soient veues de symaigne [3] en symagne [4] et de moys en moys [5] et contresommes, etc.

[1] foreinz.

[2] I have preferred not to change the Latin expression "ad restituend'" of the manuscripts, to the French equivalent.

[3] simaigne. [4] simagne. [5] mois.

SECTION IV

War and Financial Embarrassment, 1341–1360

After the storms came a calm. Content with his successful repudiation of the legislation of 1341, Edward III. did not concern himself overmuch with pressing the policy against which the statute of his last parliament had been a protest. It was sufficient to retain for a time the new ministers whose appointment had brought affairs to a crisis. As they were removed, men of less accentuated partisanship assumed office in their stead. But the return to the normal was very gradual, and was hardly completed before 1345.

Personal changes among ministers were fairly frequent, and at first the king was mindful to appoint laymen to some of the offices which, before 1340, had commonly been held by clerks. The careful provision in the statute of 1341 that ministers, even when of clerical status, should be answerable for their acts to the king, after the accustomed manner, took away the sting of Edward's resolution to refuse office to clerks who were not "justiciable" in the royal courts. But so long as Stratford remained active, there were obvious motives for keeping the chancery in lay hands. Consequently the ban on clerical chancellors lasted for nearly five years in all.

During this period knightly chancellors rapidly succeeded each other. Sir Robert Bourchier only held office for ten months, and soon resumed his military career in Brittany. He was succeeded, on October 28, 1341, by Sir Robert Parving, transferred from the treasury.[1] There was a short break in the continuity of Parving's tenure of the seal, though this would hardly be worth recording but for the further illustration it affords of the laicisation

[1] *Foedera*, ii. 1180. Bourchier surrendered the seal at Westminster on Oct. 27, and it was kept, for the night, under seal by Darcy, the lay chamberlain, instead of by the clerical treasurer of the wardrobe, its traditional temporary custodian. Next day Edward gave it to Parving at the bishop of Winchester's house at Southwark. The place itself, and the magnates present, queen Isabella, her old confidant Robert Wyvill, bishop of Salisbury, and Bartholomew Burghersh show how the king was still surrounded by champions of household interests.

of the chancery. On May 15, 1342, Parving returned the seal to the king, who then delivered it to the earls of Derby and Northampton. They thereupon sealed with it certain charters of pardon, without enrolling them in the rolls of chancery or receiving any fee for them, and returned the seal immediately to the king, who restored it at once to the chancellor.[1] When Edward went to Brittany on October 4, 1342, Parving surrendered the seal to him, but received in its stead the seal of absence with which he sealed writs while the king remained beyond sea.[2] The duke of Cornwall was again appointed regent, and tested the writs issued by Parving between October 1342 and March 1343.[3] It is curious that the first formal recognition of the chancellor's customary right to present to livings in the king's gift, worth less than 20 marks a year, was embodied in the patent defining the powers of the regent.[4] Perhaps this was to safeguard the right of a lay chancellor to confer clerical preferment.

At the same time the great seal, as in 1338 to 1340 and again in 1340, accompanied the king abroad, and, in strict consonance with recent precedents, was in the care of the keeper of the privy seal, now John Offord, Kilsby's successor.[5] Thus the real great seal was again in clerical hands, even though the chancellor was a layman. However, on the king's return to Westminster on March 4, 1343, Parving once more resumed its custody and remained chancellor until his death on August 26, 1343.[6] It was, perhaps, a sign of some reversion to clerical tradition, that, when sickness prevented Parving executing in person his duty as

[1] *Foedera*, ii. 1194. [2] *Ib.* ii. 1212.

[3] *Ib.* ii. 1220. The patent roll of the period of the king's absence is exclusively devoted to writs issued in England under the regent's testimony; *C.P.R.*, *1340–43*, pp. 528-558, and 559-594; *Ib.*, *1343–45*, pp. 1-12, 66-78 and 80. They are intermixed with a few writs tested by the king but belonging to dates when Edward was in England, *e.g. ib.*, *1340–43*, pp. 530-531, 537-558. One writ "teste rege" (*ib.* p. 561) is enrolled, dated Grandchamp, Nov. 27, with the note, "be it remembered that these letters are likewise enrolled on the roll of Brittany of the present year." This "roll of Brittany," is not included in the calendar of patent rolls, nor does it appear among the Treaty (French), or Gascon rolls. Where is it?

[4] *Foedera*, ii. 194, 1212. See for this question B. Wilkinson's "Chancery Writs under Edward III." in *B.J.R.L.* viii. 121-122 and 125-127. It was a claim which in substance had been much earlier recognised. See, for instance, *Rot. Parl.* ii. 41, for its recognition in favour of clerks of chancery, exchequer and the two benches in 1330, and the prevalence of a similar custom in the English government of Scotland in 1308–09 in *ib.* i. 278.

[5] *Foedera*, ii. 1212. [6] *Ib.* ii. 1220, 1231.

chancellor, he made Thoresby, now keeper of the rolls, and Brayton, another chancery clerk, act on his behalf, and that, between his death and his successor's appointment, they continued to keep the seal in association with John of Saint-Pol,[1] who thus appears to have been restored to something of his ancient position. Yet the new chancellor, appointed on Michaelmas day, 1343, was a layman, being Sir Robert Sadington, who now finally abandoned the exchequer.

Sadington served as chancellor for more than two years, until October 26, 1345. Between July 3 and 26, 1345, Edward went to Flanders, to hold his final conference with James van Artevelde. Sadington remained in England, using a seal of absence under the authority of Lionel of Antwerp, keeper of England for the first time, because Edward of Cornwall on this occasion accompanied his father.[2] As usual now, the great seal went with the king under the custody of Thoresby, keeper of the privy seal.[3] Sadington was the last of the knightly chancellors, for his successor, John Offord, was that faithful household clerk who had succeeded Kilsby at the privy seal.[4]

The lay chancellors had clearly not fulfilled all the expectations formed about them. Yet from the point of view of their department, one advantage at least seems to have been gained. All of them, except Bourchier, were professional men, legal or financial experts, who made their official work their chief concern, and were not diverted from it by the distractions of conflicting duties to their churches, or even by the call of politics. They were able, therefore, to give such personal attention to their work that temporary keepers of the seal were seldom needed. They also took a more active personal part in the routine duties of their office. For instance they received attornments personally,[5] and acted constantly as judicial commissioners, holding pleas of *oyer et terminer* in various shires, but normally settling down in London or Westminster to their daily task, notably when the king went beyond sea without them. So close was their attention

[1] *Ib.* ii. 1236. The presence of secular magnates and the momentary custody of the seal by Thomas Beauchamp, earl of Warwick, who sealed with it five charters of pardon, kept up the more recent practice.

[2] *Ib.* iii. 50, 53. [3] *Ib.* iii. 53. [4] *Ib.* iii. 62.

[5] *C.P.R., 1343–45*, pp. 224, 225, 258, 373, 374 and 449; *C.P.R., 1340–43*, p. 509.

to the daily task that it was recorded in the rolls when writs emanated from chancery without their knowledge. Although from such active officials detailed improvements in procedure might be expected, there were not many administrative reforms of moment during this time of warfare and financial embarrassment. Yet one important change in the sealing department happened to coincide with the period of lay chancellors, and may have been the result of their more intimate acquaintance with the needs and difficulties of their office. Up to then, the " original writ," which initiated a lawsuit in the higher courts, and the " judicial writ," which embodied the judgment terminating it, were alike supposed to be writs under the great seal. Exceptions to the rule had long existed. For exchequer pleas, the exchequer seal, itself a reduplication of the great seal,[1] was accepted as sufficient. On eyres, assizes, commissions of trailbaston, *oyer et terminer*, and other pleas heard locally, a writ of judgment was regarded as adequate, if sealed with the personal seal of the judge presiding in the court.[2] Even in the two benches, the seal of a justice was similarly accepted.[3] But sealing was a fruitful source of revenue, and easily accessible revenue was scarce in wartime. It was natural, then, that such officers as the clerk of the hanaper of chancery and the chancellor of the exchequer, anxious lest this custom should divert fees from their departments to the coffers of the two benches, should complain to the king of the general acceptance by sheriffs of the objectionable practice.[4]

Meanwhile, the " profits of the seal " had already made the hanaper so lucrative a source of revenue that Edward III., in his distress, turned greedy eyes upon its large excess of income over expenditure. Accordingly, he entered into contracts with some of his foreign financiers to lend him money on the security which the hanaper revenues afforded. In 1344, when Sadington was chancellor, he agreed to allow Matthew Canaceon, merchant of Asti, to collect the profits of the writs of the two benches for a term of years, and to facilitate this, the king promised to cause a seal to be made in each of the benches for sealing its judicial writs, the fees for which were still to be paid into the hanaper.[5]

[1] See above, i. 143-147. [2] *Rot. Parl.* ii. 229 (1351).
[3] *Ib.* ii. 99. This was already customary in 1338. [4] *Ib.* ii. 99.
[5] *C.C.R., 1343–46*, pp. 327, 476; *E.A.* 212/3. Other arrangements followed. Thus, on Apr. 23, 1346, Walter of Yarmouth made indenture with the king to

The result was a further extension of the principle of reduplication of the great seal, first acted upon in the twelfth century in the interests of the exchequer, and now again followed to safeguard the rights of the chancery.[1] Henceforth, there were two new royal seals, one appertaining to each bench and accepted as equivalent to the great seal for "judicial writs," [2] though the "original writ" still required the authentication of the great seal itself. The hanaper accounts of the next generations show how considerable were the sums in question.[3] The burden on suitors was the heavier, since they also had to pay a fee for the justice's seal, which conservatism still required to be employed as well as the new seal, and since ingenious extensions of the system of judicial fines further increased the revenue derived from the law courts. The hanaper continued to control judicial writs, though it no longer sealed them. When farming out was abolished, the hanaper still received the fees from such writs, and the benches were responsible for them to it. But gradually the details of collection were devolved on special hanapers of the benches. Thus an important change in the sealing system followed.

The motives for these changes were practical, being conditioned by the crown's necessities, rather than the convenience of suitors. Yet there was some gain in the further departmentalisation of the common law courts. There was even further security for suitors, who, if they had to pay more, could now get judicial writs more readily from the benches than from the

---

pay 250 marks a year into the hanaper for the right of levying "the fees of all seals of judicial writs"; and was made king's attorney in chancery, exchequer, and law courts for the purpose; *C.C.R., 1346–49*, pp. 76, 89. *E.A.* 212/4 shows that Yarmouth duly fulfilled his obligations. The foreign merchants were now transferring their burdens to Englishmen. See *C.C.R., 1346–49*, p. 260, where W. Chiriton and G. Wendlingburgh took up in 1347 the obligations of Canaceon, already transferred to the Peruzzi.

[1] The seals of the benches were still called "great seals"; *Rot. Parl.* ii. 170.

[2] These writs "de utroque banco," first appear as a separate item in R. Thoresby's hanaper account for 1346–47; *E.A.* 212/4. In 1344 seals for the two benches were also instituted for Ireland; *C.F.R.* v. 387.

[3] The profits of the hanaper were increased after the change. Thus in 1358–59 these were £1717; in 1366–67, £926; and in 1375–76, £1441; *E.A.* 212/9, 11, 14. After Richard II.'s accession, the hanaper accounts are described as "de exitibus magni sigilli ac sigillorum regis utriusque banci"; *ib.* 213/2. These accounts, 1377–78, show a profit of £1994. Of this, £888, a third of the total receipt of £2635, came from fines.

overburdened chancery, and enjoyed the authority of a royal seal where they had had to be content earlier with the personal seal of a justice. This is one of the few occasions where the immediate interests of the king and the wishes of his subjects combined to bring about a useful, though somewhat costly, administrative improvement. The further development of the hanaper as a sub-office of chancery was in nowise arrested by the changes.[1]

In other ways the lay chancellors had disappointed expectations. Even successful lawyers and high treasury officials had not the wealth, housing or status of the episcopal chancellors, and they found it impossible to support themselves and their establishments on the meagre pittance of £500 traditionally allowed for the purpose.[2] This sum was the less adequate since war had brought about, then as in our own days, a very considerable rise in prices. From the first, extraordinary provision had to be made for the lay chancellor's support. This began when Bourchier, who had previously been attached to the service of Hugh Audley, earl of Gloucester, was compensated by a grant from the hanaper of the same amount as the wage which he had received from his former master.[3] A month later that allowance was supplemented by a grant of £500 a year, "in consideration of heavy charges incumbent on him in keeping up the household of the chancery and by reason of his office, beyond that which other chancellors before these times have sustained."[4] When the king prepared for his Breton

[1] I have learnt much from a more detailed account of the origin of the seals of the benches, by Dr. B. Wilkinson, which he was good enough to show me before its publication in *E.H.R.* xlii. 397-401. I am particularly indebted to him for calling my attention to *Year Books 21-22 Edward I.* p. 161, and *ib. 30-31 Edward I.* pp. 275-277, which show that while "original writs" were "teste me ipso," "judicial writs" were tested by the judge concerned. Both alike were normally sealed by the great seal. Pollock and Maitland, *Hist. of Eng. Law*, i. 194, apparently antedate the seals of the common law courts.

[2] *C.C.R., 1343–46*, p. 318. Of this £80 was for robes, and £420 "for the table of the said household."

[3] *C.P.R., 1340–43*, p. 75. The amount was £100 a year, and the date of the grant Dec. 20, 1340, six days after he was made chancellor.

[4] *Ib. 1340–43*, p. 84. Of this £300 was "beyond the usual fee," and £200 towards purveyances of plate and other things necessary for the office. Bourchier was, however, prosperous enough to found three months later a college of secular clerks at Halstead in Essex; *ib.* p. 166. Compare *C.C.R., 1341–43*, p. 57, another grant of ferms of alien priories, considering that he had great

expedition, he made a further grant to the chancellor of over £400 for the wages of himself with his *comitiua* of seventy men-at-arms and one hundred archers, who were to accompany Bourchier in attendance on the king beyond sea.[1] But the effect of this was only to divert Bourchier from administrative to military activity. Parving, a successful lawyer, was less impecunious than his martial predecessor, but he also had Bourchier's grant of £200 from the hanaper " beyond the ancient fee," for purveyance of plate, and that he might be able to maintain himself more fittingly in his office.[2] Moreover, Sadington clearly received the same allowance.[3] The extra support was the more necessary since the lay chancellors personally undertook, after a brief delay, the burden of maintaining the household of the chancery.[4] Their dignity necessitated a larger mansion than they had occupied as private persons, and it is significant that the accommodation required was most easily found in the town houses of the bishops, who were willing to rent them to the chancellor for that purpose.[5]

We can imagine that the lay chancellor did not find it the easiest thing in the world to get on with his " household " of

---

expenses for the household of chancery, and considering Robert's estate and the fact that a lesser household would have sufficed him, had he not been in that office.

[1] *C.P.R., 1340–43*, p. 267 ; he had also in October a grant of the custody of a minor's lands (p. 297).

[2] *C.C.R., 1341–43*, p. 301.

[3] *Ib., 1343–46*, p. 318. This mandate to the exchequer of May 4, 1344, clearly assumes that Sadington received the money, but I have not found any fresh grant.

[4] Thus Thomas Evesham, who also had the custody of the chancery rolls, kept the household of the chancery from Dec. 1, 1340, to Jan. 1, 1341, when Bourchier, appointed chancellor on Dec. 14, began to hold that household ; *C.C.R., 1341–43*, p. 206. Parving undertook the household on Oct. 28, that being the very day of his appointment ; *ib.* p. 302. Sadington, made chancellor on Sept. 29, 1343, began to hold it on Oct. 5 ; *ib., 1343–46*, p. 204.

[5] Bourchier lived in the house of the bishop of Worcester, " near the Stone Cross in the parish of St. Mary le Strand, outside the bar of the New Temple," and left the seal there until his return, when he visited the king at Norwich in Feb. 1341 ; *Foedera*, ii. 1151. Evesham, keeper of the rolls, had, however, a " hospicium " of his own to which the seal was transferred. Parving, when first chancellor, lived in his own house in Aldermanbury ; *ib.* ii. 1180. This house, though big enough to have its private chapel, in which the sealing of writs was effected, was, by Dec. 1342, superseded by the house of the bishop of Worcester, used by his predecessor ; *C.C.R., 1341–43*, p. 691. Sadington lodged in the London house of the bishop of Lichfield ; *ib.* p. 691.

clerks, for whose meals and robes he was responsible, and whose ideals clashed with those of the chancellor and his family.

Both chancellor and chancery had already ceased to go abroad with the king, and during the royal journeys beyond sea the chancellor and his clerks were generally stationed at Westminster with the regency. Even when the king was in England the chancery, under its working heads, now stayed more and more in London. It met occasionally in various convenient places in the city and suburbs,[1] but its home was usually at Westminster. The normal "place" of the chancery was already in 1345, and probably in 1310, that portion of Westminster hall "where the chancellor commonly sits, among the clerks of chancery, for discharging the duties of his office."[2] A legally trained sedentary chancellor, immersed in official routine, was even more welcome to suitors than to the crown, and the development of chancery as a law court may well, we believe, have been helped by this new type of chancellor.

Not only the office but the officer increased in influence. The chancery clerks became even more important than before as agents of the state. The career of John Thoresby, the most notable of the clerks who clave to the king in 1340, is an abundant illustration of this. He began to act as keeper of the chancery rolls as soon as he returned from the Netherlands,[3] and only gave up that post to become keeper of the privy seal,[4] a promotion

[1] The chancery was at the "domus conversorum" on Apr. 23, 1342, and on Apr. 6, 1343; and at the convent of the Carmelites on Mar. 16, 1345; *C.C.R., 1341–43*, p. 520, and *ib., 1343–46*, pp. 109, 551.

[2] *Foedera*, iii. 53, "in magna aula regis apud Westmonasterium ubi idem cancellarius communiter sedet inter clericos cancellariae pro officio suo exercendo." It was the "placea cancellariae," *ib.* iii. 62, where the chancellor sat on his marble chair, at a marble table. Stowe (ii. 118) says that in his time the chancellor still sat in Westminster Hall "on the left hand or south-west corner," accompanied by the master of the rolls and the masters of the chancery, "learned for the most part in the civil law." There were then three "judgment seats" in the hall, at the upper end in the right hand or south-east corner was the king's bench, opposite the chancery, and the common bench was located at the entry on the right hand. For other courts there, *see* Stowe, ii. 118-120. For 1310, see *Foedera*, ii. 110, and *C.C.R., 1307–13*, p. 326.

[3] *C.C.R., 1341–43*, p. 119. He took oath on Feb. 21, and received their custody from Thomas Evesham, as soon as he arrived in London. Even when he was sent to Avignon in Oct. 1344, he retained this office. For his earlier career, see above, pp. 85-86, and for his later history, pp. 166-169, 206-207, 215, 219.

[4] He had acted as keeper on behalf of his predecessor, John Offord, for instance from June 4–24, 1342, when Offord began personally to take up the office.

which takes us back to the days of Baldock and others, in a time when the privy seal, now almost fully officialised, became a minor state chancery, closely related through its chief to the leading secretariat. By this time the keeper of the privy seal was fully recognised as the third minister of the crown, the chancellor and treasurer only taking precedence.[1]

In such circumstances there is no wonder that the disgraced clerks of 1340, like John of Saint-Pol, did their best to make peace with the king. Edward was not slow in receiving them again into favour, and even in promoting them to higher posts. Yet they never quite regained their ancient position at the centre of the administration. The fate of John of Saint-Pol is typical of their subsequent fortunes. Edward never deprived Saint-Pol of his keepership of the *domus conversorum*, granted to him for life in 1339,[2] and soon restored him to the chancery, but never to his former prominence there. His ultimate promotion as archbishop of Dublin and chancellor of Ireland [3] showed that he, and others like him, had to look for substantial advancement far away from the king and his court. But there were plenty of good men to supply their places. Besides Thoresby, the leading chancery clerks of the younger generation included such men as David Wooler, who was to become one of the most important chancery clerks of the latter part of the reign, and Andrew Offord, doctor of civil law, brought into the office by his brother John when he became chancellor. Hardly distinguishable from them in their political actions are the household clerks of the newer generation, such as John Offord himself, Simon Islip and their like.

The younger generation of chancery clerks sought favour from the king rather than from the chancellor, and acted on the assumption that an official's business was to subject his will to the state rather than to impress it upon his superiors. Stratford's great effort to secure for clerical ministers exemption from

[1] Cf. above, pp. 54-55.

[2] By June 1341 a king's writ of aid was issued to him to force the tenants of the house of converts to pay their rents ; *C.P.R., 1340–43*, p. 236. Two female inmates of the house bore the name of Saint-Pol.

[3] Archbishop of Dublin, 1349, by papal provision, chancellor of Ireland in 1350, died in 1362. *C.P.R., 1348–50*, pp. 435, 555. Askeby, the sometime chamber clerk, preceded him as chancellor of Ireland, being appointed in March 1341 ; *ib., 1340–43*, p. 151.

accountability to the tribunals of the state had utterly broken down. Even the parliament of 1341 had implicitly accepted the doctrine that officers of the crown, when ecclesiastics, were bound to answer for their offices in the accustomed places despite all privileges of peerage or clergy. When there was no longer any danger of clerical ministers protecting themselves from royal control behind their clergy, the plea of the king that he dare not have ministers who refused to be responsible to him for their official acts lost much of its force. That being so, the anti-clerical movement, artificially fomented by ambitious ecclesiastics for their own purposes, died a natural death.

The movement survived longest in the chancery, the most clerical office of state, but it was never a reality in a department which, even under a lay chancellor, remained entirely staffed by clergy. Sadington proved the last of the lay chancellors.[1] His successor, Master John Offord, was a prominent king's clerk, a diplomatist, an administrator, and doctor of laws.[2] He had for years been constantly by the king, except when sent on embassies to Avignon, and, after two years at the privy seal, had the reward of faithful service in his promotion to the chancery on October 26, 1345.[3] Offord had been archdeacon of Ely and was now dean of Lincoln. Thus the first of the new series of clerical chancellors was not a magnate until he was appointed archbishop of Canterbury, towards the end of his career. Like his predecessors, Offord was a working administrator. He lived, like Sadington, in his suburban manor house,[4] but he

[1] Murimuth, p. 177, says "Sicque officium cancellariae ad clericos, quod prius per milites fere per septennium regebatur." It was less than five years in fact. For the lay chancellors of the next generation, see later, pp. 276-278.

[2] Offord was with the king in the Netherlands from 1338-40, attended by a staff of clerks, for whom he was allowed two marks a day; *M.B.E.* 203/268, where "clerico, de consilio regis," must not be translated "clerk of the council." In 1340 Offord was envoy at Avignon. In 1341 he was "occupied in the king's business and staying constantly by his side"; *C.P.R., 1340–43*, p. 222, and in November of that year "charged by the king to stay continuously in London for the general direction of the king's business with others of his council"; *ib.* p. 335. He was keeper of the privy seal between June 1342 and 1344, succeeding Kilsby and preceding Thoresby. For this, see later, p. 162. For his mission in 1343 to the curia, see Murimuth, p. 153. For his last years and death, see later, p. 206.

[3] *Foedera*, iii. 62.

[4] His house was at Totenhale, near St. Giles' hospital; *C.C.R., 1343–46*, p. 661. Offord after 1331 held the St. Paul's prebend of Tottenhale, now Tottenham Court, and this house was certainly the prebendal manor house.

worked with the clerks in Westminster Hall. With his accession to office the last results of the crisis of 1340 expired.

In the exchequer, anti-clericalism had long died away. For generations clerks and laymen had worked together harmoniously in that office, and the most important of its lay officials, chief baron Sadington, had already been acting as treasurer. The appointment of Sir Robert Parving as treasurer, on December 15, 1340,[1] brought no great change into the traditions of the department, and, if it had, Parving only held that office for ten months. On October 28, 1341, a few weeks after the king's departure for Brittany, the *garderobarius*, William Cusance, who had abandoned in the previous November the treasury of the wardrobe, was appointed to the treasury of the exchequer.[2] When Cusance gave up office in 1345, he was followed at the exchequer by his successor in the wardrobe, William Edington.[3] Edington's appointment as treasurer on April 10, 1345, marks the end of the period of short-lived treasurerships that had opened with Edward III.'s accession. Synchronising as this did with Offord's chancellorship, it showed that normal conditions once more prevailed. Ministers were again chosen from the official class. When both the head of the office and his staff had the training and outlook of permanent civil servants, there was no reason for that constant change of personnel which had characterised the years of strife. Edington remained treasurer for nearly twelve years. In the preceding twelve years ten treasurers had presided over the office. The striking contrast shows that party strife had died down, and that the king was now forced to regard efficiency, not politics, as the test of a minister's worth.

The resumption of normality was further forwarded by the disappearance from politics of the stormy petrel of curiality, William Kilsby. The first sign that there were limits to his

But in 1347 he lived in St. Clement's Danes parish ; *ib.*, *1346–49*, p. 397. The chancellorship perhaps involved the necessity of a larger or nearer house than Tottenham Court.

[1] Parving, like the chancellor, had an extra grant from the exchequer, but only of £40 a year ; *C.P.R.*, *1340–43*, p. 273.

[2] *C.P.R.*, *1340–43*, p. 298. For his career, see above, ii. 272, and later, iv. 106-110, 122-130.

[3] Edington ceased to act on Apr. 10, 1344. He was employed between Apr. 11, 1344, and May, 1345, in arraying his account ; *M.B.E.* 204/166.

power was the reversal of his policy in the Easter parliament of 1341. The second was in the utter collapse of his quest of the northern archbishopric. With the death of the timid Benedict XII., in April, 1342, the last hope of Kilsby's prevailing against William Zouch came to an end. The new pope, Clement VI., felt strong enough to consecrate Zouch as archbishop of York. Along with him another baronial claimant to the episcopate, Thomas Bek, was consecrated to the bishopric of Lincoln. It was a further token of Edward III.'s submission to the inevitable, when he admitted to England these two creatures of the new pope, and allowed them peaceable possession of their sees.[1] Before long Kilsby saw that the game of ecclesiastical preferment was as hopeless as the game of political wire-pulling. With admirable versatility he directed his ambitions into another channel. Like Bourchier, the failure as chancellor, Kilsby sought a new field for his energies in warfare. When still keeper, he had served in the winter expedition against Scotland in 1341–42 at the head of sixty men-at-arms.[2] He abandoned, or was dismissed from, the privy seal by June 1342, being replaced by the less assertive and less violent curialist, John Offord.[3] Kilsby prepared himself for the Breton expedition, receiving a liberal grant of the king's wool to equip his large *comitiua*. In July 1342, he promised to fight in the Breton campaign as a banneret at the head of fifty men-at-arms and one hundred archers.[4] Going to Brittany before Edward, he served under Northampton, being apparently among the chief leaders of the expedition.[5] Unsatisfied by martial successes, he resolved next year to carry out a vow of pilgrimage, formed so far back as 1339, when he had received a

[1] *C.P.R., 1340–43*, p. 502. Letters of protection of Aug. 20, 1342, to William Zouch and Thomas Bek, "said to have been consecrated archbishop and bishop, returning from the Roman court."

[2] *M.B.E.* 204/203, records that he was paid for one banneret, 7 knights and 53 esquires.

[3] Offord was already keeper on June 4, 1342, when he was sent on an embassy to France, leaving Thoresby as his deputy; *ib.* 204/161. He also served in Brittany, as a banneret, with a retinue of 20 esquires from Sept. 4, 1342, to Feb. 15, 1343; *ib.* 204/212. He negotiated the treaty of Malestroit.

[4] *C.P.R., 1340–43*, p. 415.

[5] Geoffrey Baker, p. 76, mentions him after Northampton, Oxford, Hugh Despenser and Richard Talbot, as among "singulis prefectis magnis copiis armatorum et sagittariorum." Murimuth, p. 125, gives a different account.

papal indult to visit the Holy Sepulchre and the shrine of St. Catharine on Sinai, "he having a great devotion to that virgin martyr."[1] On March 14, 1343, he received a safe conduct for his long deferred pilgrimage.[2] He was still called in the writ the king's *secretarius*, or confidant, so that he was certainly not in disgrace. Safely back from his perilous journey, he took part, with his retinue, in the Crécy campaign,[3] and died not much later in the lines before Calais.[4]

Thus, by 1345–46, the administration of England had once more begun to move on normal lines. The king, without abandoning his pretensions, had found it prudent to abate his claims in practice and to rule through ministers whom the magnates were willing to accept. The aristocracy, still convinced that they were the natural counsellors of the crown, were content to remain quiet, as long as ministers were men not violently antagonistic to the baronial standpoint. A further proof of the lull in party strife can be found in the composition of the regency for Lionel of Antwerp in July 1345. Side by side with Henry of Lancaster, earl Warenne and the three bishops of the house of Stratford, were ministers like Sadington and Edington, household servants like Simon Islip, chancery clerks like Andrew Offord, and a promoted chamber officer, Thomas Hatfield, now bishop-elect of Durham.[5] The note of opposition, so far as raised at all, was sounded by the commons rather than by the magnates.

The chief reason for the appeasement of ancient feuds is to be found, not in the internal conditions of England, but in the renewal of the great war. From 1340 to 1345 there was an uneasy truce between England and France. This had been broken in fact by the share which the kings of England and France had taken in the war of the Breton succession. We

[1] *C. Pap. Reg. Let.* ii. 546. The origin of this cult seems to have been that queen Philippa had given him for life the custody of the hospital of St. Catharine by the Tower; *C.P.R., 1338–40*, p. 377. Kilsby's devotion to St. Catharine is even more interesting than Stratford's to St. Thomas of Canterbury.

[2] *C.P.R., 1343–45*, pp. 15 and 20. The former patent gives an edifying list of the seven prebends and three benefices of this failure in the race for ecclesiastical preferment. Stubbs, *C.H.* ii. 411, shrewdly suggests that Kilsby probably went to Palestine to get out of the way.

[3] Wrottesley, *Crécy and Calais*, p. 158, from *M.R.K.R.* 124, 22 Edw. III.

[4] See later, p. 169, n. 7.

[5] *Foedera*, iii. 50.

have already seen, as a result of this, that the king was compelled to be absent from England between October 1342 and March 1343, and that the administrative readjustments, consequential on his passage, were on the lines of recent precedents. Thus the Breton campaign was largely financed and administered by the wardrobe under Edington's direction, as was the unimportant Scottish expedition which had preceded it.[1] After this experience, Edington was ripe to become treasurer of the exchequer. His skill was soon to be taxed in the new office when the state had to face the enormous preparations of 1345, and the large-scale warfare of the Crécy-Calais campaign and the other expeditions of the year 1346.[2] This state of tension continued between 1345 and the end of 1347, when another truce suspended for a time direct warlike operations. The interlude was the longer since the truce was followed by a crisis caused by the Black Death.

The ministerial history of these years shows few marked changes either in personnel or in policy. The administrative rearrangements adopted during the king's visits abroad were of a conservative nature. Both in 1345 and in 1346–47 the administration was divided into two sections, one to follow the king overseas and the other to assist the regency at home. The king's brief absence in 1345 does not greatly concern us. But the distribution of the government between king and regent during the Crécy campaign and the long siege of Calais, is a matter of real importance.

The king was away from England between July 5, 1346, and October 12, 1347.[3] As Edward of Cornwall, since 1343 prince of Wales, accompanied his father, Lionel of Antwerp, a boy of eight, was on June 25, 1346, appointed *custos Angliae*.[4] After recent precedents, the chancellor, Offord, and the treasurer, Edington, remained at home, the former transacting English business by means of the customary seal of absence.[5] The council was again divided, and at the head of the section left in England was

[1] See later, iv. 110-112.

[2] See later, iv. 114-118.

[3] *Foedera*, iii. 139. Edward landed at La Hougue on July 12.

[4] *Ib.* iii. 84. He had already acted as regent in 1345; *ib.* iii. 50.

[5] *Ib.* iii. 85 describes the transfer of the seals in Fareham church on July 2, 1346. Offord took the seal of absence and used it "in hospicio ubi hospitabatur, videlicet ad domum que quondam fuit Galfridi de Raunvil juxta Southwyk." Thoresby took the great and privy seals beyond sea.

archbishop Stratford, now approaching the end of his career.[1] The majority of chancery clerks remained with the chancellor, and the tender years of the regent strengthened the growing tendency to locate chancery and council at Westminster. The exchequer was completely stationary in its regular quarters hard by the king's palace,[2] and had its work cut out in supplying the king with money to carry on his campaign. The great wardrobe, which went abroad for the last time in 1338–40, continued its work in London, following six years of precedent. The more localised privy wardrobe in the Tower of London also stayed in its regular home.

It had long been customary for a regent to issue, both by his great and privy seals, the orders which the king, when in England, could make by the corresponding royal seals.[3] But it was a new thing that the seal of the regent should be put into the hands of a royal clerk so experienced as Mr. Simon Islip. He was called keeper of the seal of Lionel, the king's son, keeper of England. Wages of 20s. a day were assigned to him, and were paid by the exchequer as a government obligation.[4] Moreover, a special seal for Lionel as keeper of England was made, and paid for on February

[1] This I infer from the writs of privy seal from the king abroad, which generally address Stratford before the chancellor and treasurer. See p. 166, n. 5.

[2] After its return from York in 1339 the exchequer remained at Westminster for the rest of Edward III.'s reign.

[3] *C.W.* ff. 1532–1536, are exclusively devoted to "regency warrants," and show that, as far back as 1287, a keeper of England could issue chancery warrants under his own privy seal. The greater part of file 1532 is occupied by writs of Edward duke of Cornwall, dated 12 Edward III. and sealed by the regent's privy seal on the dorse. These documents inspire writs described in the chancery rolls as warranted "by the keeper." For instance, the file contains four warrants of the keeper of various dates in 1338, each of which inspired a writ summarised in *C.C.R., 1337–39*, pp. 447-458, 466 and 569. Each chancery writ is of the same place and date as the warrant, and the "mention" in each chancery writ is "by letter of the keeper." In all these examples we see that the "letter of the keeper" was a writ under the keeper's privy seal. I am indebted for this information to Dr. B. Wilkinson. There are other instances in *C.W.* ff. 1533 and 1534, belonging to the years 13 and 14 Edw. III., mostly in very bad condition. *C.W.* f. 1536 contains many writs of Lionel as regent, but, unlike those of his elder brother, there is no announcement of the seal used, though there are still signs that they were authenticated by a seal of the privy seal type, impressed on the dorse of the writs.

[4] *I.R.* 339 (21 Edw. III. Mich. t.) m. 33, records payment of wages from July 11 to Aug. 19, and m. 38, from Aug. 20 to Sept. 27. For part of the former period Islip was away from Westminster between June 21 and July 20 on a mission "ad partes boreales"; *ib.* m. 16.

17 by the exchequer,[1] which also became responsible to the keeper of the wardrobe for the parchment and wax necessary for "the office of the keeper's seal."[2] Clearly, then, it was an official privy seal, and Islip's wages were the customary stipend of the keeper of the king's privy seal *extra curiam*. Islip was, therefore, the official keeper of the privy seal of absence, if we may venture on the phrase. It was well that the seal was instituted, since communication between the home and court administrations was cut off by the advance of Edward up the Seine valley after his triumphant march through Normandy to Caen and the mutiny or flight of his fleet.[3] It is not, indeed, impossible that Islip had already acted in a similar capacity during the king's brief absence in 1345, for we know that he was one of the small council of twelve magnates and ministers[4] who had acted in the name of the boy of six left in charge in England. The chief clerks of the office of privy seal, however, accompanied the keeper of the real privy seal, Thoresby, abroad.[5] But that office was now so completely a state department that we may regard it as naturally following the example of the chancery in being divided during the king's absence.

The position of a privy seal, removed from the king, yet discharging governmental functions, is paralleled by a similar

[1] *I.R.* 339 (21 Edw. III. Mich. t.) m. 35, Sat. Feb. 17, "In denariis solutis pro fabricatione sigilli Lyonelli, custodis Anglie, per breue ipsius custodis inter mandata de hoc termino."

[2] *Ib.* m. 35 records the payment of 33/2 to keeper Wetwang for parchment and wax necessary "pro officio sigilli ipsius custodis."

[3] The writs in *C.W.* ff. 313, 325, well illustrate this. There was an enormous output of writs on the eve of the king's departure, one hundred chancery warrants alone on f. 313 being sealed at Porchester, Yarmouth and Freshwater, between June 27 and July 9. Then there was one dated La Hougue on July 15. There were a few at Caen between July 28 and 31. There are no others, save one dated Crécy on Aug. 26 (f. 314/17810), until the series "juxta Calesiam" begins. This ranges from Aug. 28 (f. 313/17799) to Sept. 30, 1347 (f. 314/17811, f. 325/18921). There are English dated writs between Sept. 23 and Nov. 11 at Westminster, and one on Oct. 1 at Langley (*ib.* 19000/19022). It is clear that, except for a brief space at Caen, there was no relation between privy seal and chancery from the king's departure from La Hougue until after the victory at Crécy.

[4] *Foedera*, iii. 50.

[5] The mass of administrative correspondence, sent by the king from abroad, was under the privy seal, and, when not directed to the chancellor, was more formally addressed to the archbishop of Canterbury, the chancellor and treasurer, "et autres de nostre conseil de Londres"; see the interesting examples printed in the appendix of *Chronique de Jean le Bel*, ed. Viard et Déprez, ii. 337-352. There are other instances in *C.W.*, from which these writs were taken.

division of the household offices themselves. From the king's chamber the majority of the chief officers went with the king, and among them Robert Burton, receiver of the chamber.[1] His English work was discharged by deputy; and the keeper of the privy wardrobe at the Tower, Robert Mildenhall,[2] by acting as lieutenant of the receiver, retarded the tendency towards complete separation of Tower wardrobe and king's chamber. The administration of the estates reserved to the chamber necessarily remained in England along with auditors, stewards and clerks. However, Philip Weston, the chief steward, who, six months before the king sailed, had been "charged with other business beyond seas and within," was in France with Edward all the time, so that his deputy, Henry Greystock, had ultimately to be nominated as his successor.[3] It seems that it was now, or soon after, that the adequate conduct of the local chamber work in England necessitated a fixed abode for it, first at the Tower and later at Westminster.

The directive forces controlling these various bodies were the chancellor, treasurer and others of the council of the keeper, officially described by Edward as "those of our council remaining in London,"[4] where the council permanently sat and warranted a large proportion of the executive acts embodied in the chancery writs. The general location of the chancery at Westminster or London during the period must also be regarded as proved. For the little regent to be in the capital was the exception rather than the rule, and to this fact we must ascribe the circumstance that chancery writs, except for a brief period in the winter, are seldom dated at London. Yet the appearance of persons to do business in the chancery at Westminster or London on the very same days in which writs are dated elsewhere, and the absence of any single mention of such appearances save at the normal seats of government, go far to suggest the

[1] See later, iv. 258.

[2] See later, iv. 258-260.

[3] *C.P.R., 1345–48*, p. 299. The date was May 31, 1347, Reading, and it was warranted by privy seal. His commission included the examination and enrolment of letters under the griffin seal. He had been appointed deputy by Weston before Jan. 26, 1346; *C.P.R., 1345–48*, p. 431. He was still Weston's deputy on Aug. 15, 1346; *C.C.R., 1346–49*, p. 151.

[4] The dispatch in *C.W.* 314/17803 is addressed "A nos chere foialx chauncellor, tresorer et autre de nostre counseil, demorantz a Londres."

permanent establishment of the chancery, or at least of the bulk of its staff, in Westminster or London. So also with the council, which is seldom described as meeting anywhere else.[1] In the same way the parliaments of the period were held at Westminster.[2] This was the more necessary when the establishment of the king before Calais made communication between the two administrations both possible and frequent. The first result of the king's settlement there was the mission from Calais of household officers, headed by Bartholomew Burghersh, Darcy the chamberlain, and Thoresby, keeper of the privy seal, to the parliament of Westminster of September 11, 1346. To this assembly the emissaries announced the king's victory of Crécy,[3] and succeeded in extracting handsome subsidies in return for large concessions.

[1] My argument as to the chancery and council is mainly based on the examination of the calendars of chancery writs. We find that, after the king's departure, the writs of the summer and autumn were chiefly dated at Windsor, and those of the winter at Westminster. The writs for the first half of 1347 were issued from Reading, until, between August and October, the court moved on a progress in the west, ranging from Bristol to Worcester, to Northampton and Thame. There is no sign of chancery or councils in any of these places. On the contrary, the chancery was in London between Feb. 17 to 20, 1347, though on both these days writs were dated at Reading; *C.C.R., 1346–49*, pp. 237, 239, cf. pp. 184, 247, 258-259. So, too, on Oct. 6, writs were dated at Thame, and chancery was at Westminster; *ib.* pp. 393, 394. There are references to councils in London; *ib.* pp. 155, 251, 361, 370. For the chancery "London" sometimes means Offord's house in the parish of St. Clement's Danes in the Strand (*ib.* p. 397), and sometimes St. Clement's church itself; *ib.* pp. 174, 178, 243. A "strong horse" could carry the rolls of chancery that attended the court in its wanderings; *ib.* p. 244. Such a horse was provided in March 1347 by the abbot of Thame, in Nov. by the abbot of Meaux, and in 1348 by the abbot of Stoneleigh (*ib.* 244, 404, 591). In the next reign, three abbeys, Thame, Warden and Woburn, were ordered to provide a horse apiece at the same time; *ib., 1377–81*, p. 487. The records and the clerks, I suspect, remained in London, and a few clerks, with a minimum number of the nccessary documents, itinerated with the court.

[2] Besides the parliament of September 1346 mentioned later (*Rot. Parl.* ii. 157-163; *Members of Parliament*, i. 140-142), there was also a parliament in Jan. 1347 (*Rot. Parl.* ii. 164), and a council, strengthened by a representative element, in March; *ib.* p. 142. The chancery warrants issued at Westminster and Langley between Sept. 4 and Oct. 1, before the king's return on Oct. 12, seem to have been the work of Thoresby after his return to England. It is a clear case of the privy seal being used when far away from the king. See also *C.W.* f. 325.

[3] *Rot. Parl.* ii. 157-158. The other member of the delegation was John Carlton, a veteran clerk of the privy seal, who had acted since 1316, and had in May 1346 been made a member of the council beyond the seas; *C.P.R., 1345–48*, p. 80.

The retention in England of representatives of every office but one did not prevent the king from being adequately served abroad. The strong position of Thoresby, at once keeper of great and privy seals, ensured representation of the chancery point of view. With him were the chief clerks of the privy seal, William Bolton, Adam Newbold, Henry Ingleby and John Winwick.[1] As before, the household offices gave the king their support. The wardrobe as a whole was, of course, with him, and an accidental fire is said to have consumed the greater part of its lodging during the siege.[2] The presence of a larger portion of the king's chamber staff helped the wardrobe clerks to administer and pay for the campaign. The chamber was represented by Robert Burton, the chief receiver,[3] Thomas Bramber,[4] his future colleague, Philip Weston[5] the chief auditor, and by such veterans as the three previous receivers, William Trussell of Kibblestone,[6] William Kilsby,[7] and Thomas Hatfield, now bishop of Durham.[8] Soon we hear of the "king's chamber in the parts beyond the sea,"[9] and gradually the administrative staff abroad was further reinforced. To meet the needs, both of the greatest of Edwardian armies and of the officials appointed to rule army and realm, a temporary capital arose in the marsh of Calais, with the rich tents of the magnates forming streets and squares which suggested to a Westminster chronicler the establishment of a new London.[10]

[1] Wrottesley, *Crécy and Calais*, pp. 206, 208.

[2] See later, iv. 116.

[3] Wrottesley, p. 89, shows from *French Roll, 20 Edw. III.*, that Robert of Burton, archdeacon of Winchester, received letters of protection. Was he identical with Robert Burton, clerk, one of the council and retinue of the earl of Salisbury? *C.P.R., 1345–50*, p. 140.

[4] Wrottesley, pp. 86, 89.

[5] *Ib.* p. 110.

[6] *Ib.* pp. 100, 135, 158.

[7] Kilsby was alive and before Calais on Sept. 7, 1346, when he was described as "demorant ovesqz nous en nostre seruice es parties ou nous sumes"; *C.W.* 314/17814. But he must have died almost at once, as his death was known at Avignon on Sept. 30; *C. Pap. Reg. Let.* iii. 237, and by Jan. 1347 his goods had been seized by the crown as security for his debts and accounts to it; *C.P.R., 1345–48*, p. 242.

[8] Wrottesley, pp. 194, 205.

[9] *C.P.R., 1345–48*, p. 541. This was on June 8, 1347, before Calais.

[10] John Reading, p. 104, "ubi obsidentes, ad modum ciuitatis Londoniarum in vicis et plateis de tentoriis ac papilionibus dominorum, populares vero de marisco, villam et mansiones construxerunt." Compare Froissart, iv. 1–2, ed. Luce.

We know that by the summer of 1347 there was "a roll of the chancery made in the parts beyond the sea of the time when the king stood at the siege of Calais."[1] The long list of patents enrolled in it shows that business was already brisk, even when the court was still in temporary quarters and busily employed in the siege.[2] With the entry of the English into the town, there was a period when the new conquest was the seat of government even more completely than had been the city of huts and tents outside the walls, from which Edward had long directed the government of his kingdom. There must have been a number of chancery clerks in the Calais camp to write and enrol so many writs. Thoresby himself, officially described as "keeper of the privy seal and also of the great seal at Calais," formally accounted for the "office of the hanaper at Calais."[3] His extensive chancery experience admirably qualified him for such work, and Andrew Offord was throughout the campaign in attendance on the king.[4] By August 1347, the "chancery at Calais" was so fully organised that suitors might acknowledge bonds there after the fashion usual when the chancery was sitting at Westminster.[5] At the same time a lively correspondence under the privy seal kept up relations between the king outside Calais and the chancery and council in England.[6]

The chief administrative activity of Edward during the campaign of 1346–47 is reflected in the wardrobe records of those dates. We shall have to recur to these later, but we may observe here that they illustrate war and politics as well as

[1] *C.P.R., 1345–48*, p. 568.

[2] The roll is calendared in *Ib.* pp. 473-577, and forms Part IV. of the patent roll of 20 Edward III. It is entitled "Rotulus Normannie," though only five items, dated La Hougue, Caen and Lisieux are of Norman provenance. These are warranted "per regem," and *C.W.* f. 313 shows that none of them were authorised by writs of privy seal. Entries in the roll only became numerous in Oct. 1346. It was then that the privy seals, filed in the *Chancery Warrants*, also became copious. A continuation of the Norman roll is "rotulus factus in partibus transmarinis de anno . . . vicesimo primo," summarised in *C.P.R., 1345–48*, pp. 518-570, commonly called "the Calais roll." This is Part IV. of the patent roll of 21 Edward III.

[3] *E.A.* 390/12, p. 84, "de magistro J. de Thoresby, nuper custode priuati sigilli et eciam magni sigilli coram Cales', viz. de denariis prouenientibus de officio hanaperie ibidem etc."

[4] Wrottesley, pp. 89, 206.

[5] *C.P.R., 1345–48*, pp. 566-570. Three debtors acknowledge on Aug. 9 a bond drawn up on Aug. 2.

[6] See above, p. 166, n. 5.

household management, and show the wardrobe at the height of its activity.

A comparison between the conditions of division in 1338–40, and those prevailing during the Crécy-Calais campaign, shows a remarkable contrast in respect to harmony and efficiency. During the Flemish campaigns the ministry with the king sought to dominate the ministry left behind to govern England, and failing to do this, the utmost confusion ensued. Waste and incompetence resulted in failure abroad and strife at home, until those extreme dissensions culminated in the ministerial crisis of 1340–41. In 1345–46 there was an essential agreement of policy between the two administrations, with the result that the campaign was successfully and harmoniously conducted, with lessened expenditure and greater efficiency.

By this time Edward III. had learnt that he could not carry out campaigns abroad while waging war with the great barons and bishops at home. Accordingly, without withdrawing any of his pretensions, the king prudently kept them in the background. He undertook costly expeditions only when he was assured of the substantial support both of the fighting and of the tax-paying elements among his subjects. At all costs he had to avoid that union between discontented ministers, reluctant magnates and angry commons, which in 1341 had compelled him, when apparently victorious, to abandon the fruits of his high-handed action. The national eagerness to prosecute the war with France made this policy easy for him. His claim to voice the wishes of his people disguised the greatness of the concessions which he made to public opinion. He did not now send his courtiers and dependents to ride roughshod over the aristocracy. A prince of twenty years' experience, Edward was no longer open to the reproach of being a Rehoboam.

As a result, the sharp line which had divided the court and constitutional parties became obliterated, and with it the deep distinction between the household ministers of the crown and the responsible ministers of the nation. The survivors of the old ministerial generation, whom Edward had seven years before rudely driven from power, devoted their declining years to carrying out, in co-operation with the leaders of the court party, an agreed national policy. Archbishop Stratford and his brothers

now stood by the crown, strengthened the regency by their counsel and aid, and declared the royal wishes to assembled parliaments. The heads of the baronial opposition, like Henry of Lancaster, vied with the newly made earls of courtier origin, in holding the great military commands and co-operating in the common cause. While Edward and his eldest son led their armies through northern France, Lancaster undertook the government of Gascony, and for the first time in the reign revived there the royal authority and enlarged the bounds of the diminishing inheritance of Eleanor of Aquitaine. The mutinous nobles of the north, headed by the king's old enemy, archbishop Zouch, won over the Scottish invaders the decisive victory of Neville's Cross.

The wonderful triumphs of 1345–46 show the results of this substantial unity between the king and people. In each stage parliament and the nation responded to the appeals made by their rulers. In the dark days of the winter of 1346–47, when there was the utmost difficulty in persuading the soldiers to remain at the siege of Calais, Edward was able to obtain enough men and money to capture the beleaguered town. His special argument was that parliament had sent him to France, and that parliament therefore was bound to see him through. But parliamentary patience had its limits, and supplies were rarely conceded until the king had accepted petitions curtailing his power, notably as regards the eternal grievances of prises and purveyances for his household and those of the royal family.

The difficulty experienced by parliament in procuring the execution of their demands may well have brought home to them the insincerity of the king's attitude. Even in January 1348 there were no supplies forthcoming for a further raid in France. It was in vain that Edward urged once more that the war had been "undertaken by common consent of all the magnates and commons given in divers parliaments." [1] The prudent commons showed reluctance even to give advice, lest a fresh recommendation of forward policy involved an obligation to pay for it. "We are so ignorant and simple that we dare not give advice. We therefore pray the king's lordship to excuse us.. May it please him to ordain in this matter, by the advice of the great and

[1] *Rot. Parl.* ii. 165, "par commune assent de touz les grantz et communes de sa terre susdite en diverses parlementz."

wise men of the council, what seems best for the honour and profit of the realm. Whatsoever shall be thus ordered by him and the aforesaid magnates, we will agree to hold established." [1] The coyness of the commons was the more remarkable since Henry of Lancaster had informed them that the king had no desire to take any new taxes from them.[2]

Later on, the Black Death made impossible fresh parliaments, and therefore fresh grants. Nor was money readily obtainable in the years following the pestilence. This may have been one reason why Edward agreed to a preliminary treaty of peace, negotiated through papal intervention in 1354. Burghersh, the chamberlain, described the state of the negotiations before the parliament of April 1354, and declared that the king would not accept the truce without the assent of the magnates and commons. To this the commons with one accord replied that whatsoever issue pleased the lord king and the magnates would be agreeable to them. When the chamberlain pressed them for a direct answer to his question whether they would accept a perpetual peace, if it could be obtained, a general shout of "Yes, yes" showed clearly that the war spirit had abated. The reply of the commons was embodied by a notary in a "public instrument," as formal evidence of their wishes.[3]

The peace treaty broke down. Edward was willing to drop his claim to the French throne, but the French would not yield the ample provinces demanded by him in return for this concession. The result was five more years of active, though interrupted, warfare between 1355 and 1360. These renewed hostilities bore but lightly on administrative history. The methods of expansion for war emergencies had now been so well explored that few novelties could be expected. The unity of the administration, so well preserved in 1345–47, was still substantially maintained. It was still almost impossible to discern any clear evidence of party rivalry, and the critics in parliament were satisfied with a negative attitude which hardly questioned

[1] *Ib.* p. 165. Compare also Stubbs, *C.H.* ii. 417.

[2] *Rot. Parl.* ii. 200.

[3] *Ib.* ii. 262. Was this because neither parliament nor the commons had a seal? Statutes were normally promulgated by letters patent under the great seal. But statutes were royal acts, and resolutions of the commons were not.

the king's choice of ministers. The harmonious co-operation of the old court and country parties continued, and promotion from office to office was normal, after a fashion that suggests little of departmental conflicts. Such administrative changes as there were, were on traditional lines. Though the war continued costly, expenditure never soared so high as in 1338–40, or in 1346–47.

The increasing years of the king made him less frequently take a personal part in overseas expeditions. The brunt of the fighting fell on the prince of Wales, who, making Gascony his main field of operations, had the resources of Gascony and of his own inheritance to fall back upon. Henry of Lancaster was similarly responsible for the chief efforts of 1355–56 in northern France. The campaigns, in which Edward himself proposed to take part, were, with one exception, short-lived or abortive. Thus, in 1355, the king's great preparations to invade France resulted in nothing more than a raid of a few days in late October and early November. It was only at the end of 1359 that Edward with his son conducted in person the last great campaign of the war.

In these circumstances the burden of finance was shifted more and more on to the exchequer, and on to the machinery set up, under its control, to administer the subsidies and other special war grants. This was partly due, we must believe, to the growing measure of parliamentary control. The years 1355–56 also saw the withdrawal from the chamber of its landed estate and a consequential restriction of its operations. The nature and causes of this reform will be studied in detail later, but it is desirable, even in a general view, to note the fact, and to indicate that one of the greatest limitations on personal authority witnessed during the reign, was brought as an administrative reform from within. The failure of the chamber lands may have been a symptom of the failure of household government, but they fell with the king's approval, and not in response to popular or aristocratic request.[1]

The development of the privy seal was inverse to that of the chamber. While the importance of the chamber grew as

[1] See for the collapse of the chamber estate later, pp. 204-205, and iv. 305 *et seq.*

household administration flourished, and diminished when it became suspect and unpopular, the privy seal owed its increasing authority to its gradual emergence from the household system and its development as a subordinate office of state. From the days of Bury's keepership the keeper of the privy seal had acquired both a confidential character and an assured official rank. Yet Bury regarded the keeper as holding an office in the household. In 1331 it was a privilege for a clerk of old standing in the office to be allowed to withdraw from the household and return when he pleased,[1] and ten years later the normal clerk was still attached to the household, "staying continually with the king." Before long, however, we find an organised *hospicium privati sigilli* outside the court and normally in London, in which the clerks lived together. The keeper had become so great a man that he was frequently unable to preside over that establishment, so that one clerk emerged from his fellows as keeper of the household of the privy seal, in his absence. Moreover, the wages of the keeper of the seal, originally given only during absence from court, became ultimately payable in all circumstances, whether the keeper were in court or not.[2] A further step towards emancipation was taken when the wages of keeper and clerks were paid by the exchequer, though still credited to the wardrobe.[3] Gradually we can find in the issue rolls an increasingly complete record of the periods of service of each successive keeper of the privy seal, and of his chief clerks. All this was part of the development which made the keeper the third minister of the crown.[4] The importance of his office was further enhanced by his charge of both the great and the privy seal, when accompanying his sovereign beyond the seas. In dealings with foreign powers he was not only in fact but in name the king's chancellor. No wonder foreigners, so early as Kilsby's time, called him chancellor, and that even records did not scruple to give him that title. At last, keeper Winwick was

[1] *C.P.R., 1330–34*, p. 224. Grant of Dec. 8, 1331, to John Carlton for long service of daily wages, whether at court or away from it . . . "that he may withdraw from the household, return thither again and stay there at board, as he pleases."

[2] See later, vol. v. ch. xvi.

[3] See also vol. v. ch. xvi.

[4] See above, pp. 54-55, and later, vol. v. ch. xvi.

called *cancellarius regis Anglie* in the treaty of Brétigni.[1] Thus the public character of his office was proclaimed to the world. The next century described this process as the discharge of the privy seal from the king's household.[2] At a later stage we shall work out the details of the development.[3] We may note now that the keeper of the privy seal of these years was well on the way to highest promotion in church as well as in state. Between 1342 and 1360 two ex-keepers became archbishops of Canterbury, one of them through the chancery and the other directly from the privy seal. One became bishop of Durham, another went through the chancery to the sees of St. David's, Worcester and York, and another ascended the episcopal throne of London without any intermediate step.

The reorganisation of the finances of the chamber, with the consequent disappearance of the griffin seal, and the development of the privy seal out of court, showed that the old household system of government was becoming obsolete. Yet some compensation to the personal authority of the crown came through the evolution of new methods of household administration, for the capacity of the household system to send out fresh offshoots was not exhausted. Notable in this relation is the growth of an ordered secretariat of the secret seal, which, from having been an occasional function of the officers of the chamber, was now becoming a special charge under a clerk of the secret seal with his own staff of writers.[4] Such a department was wanted the more in the latter days of Edward III., when the privy seal had become substantially officialised. Accordingly the future of household administration was bound up with the development of the secret seal. The process was accelerated when the secret seal, after a period of diversified experiments, became permanently known as the king's signet.[5] It gave rise to a new secretarial department within the court, and gradually its keeper came to be distinguished as the king's secretary, presiding over a group of writers who constituted the office of the signet. But this movement was only

[1] See also above, p. 100, for evidence that Winwick was similarly styled in 1339, and that Petrarch called Bury chancellor in 1335. For 1360 see also later, p. 226.

[2] *Liber Niger*, in *Ordinances of the Household, 1790*, p. 19.

[3] For the details of the history of the privy seal and the authorities for the above statements, see later, vol. v. ch. xvi.

[4] See later, vol. v. ch. xvii.

[5] See later, vol. v. ch. xvii.

in its infancy during our period. The king's secretary still normally meant the king's confidant and sometimes specifically the keeper of the privy seal, who was still particularly so described in correspondence with the papacy and other foreign powers. Yet we have here already an official secretary, and the beginnings of the office may well be discoverable by the end of the period now under review, though not until the reign of Richard II. can a regular succession of official secretaries be traced. Thus the word secretary, hitherto used vaguely in the sense of confidant, acquired for the first time a special meaning. In origin the private secretary of the king, the drafter, sealer and custodian of the monarch's personal correspondence, the secretary was soon to follow the example of the chancellor and of the keeper of the privy seal. He was to grow into a secretary of state, a public minister. From the office of the king's secretary sprang in modern times the chief departmental ministries. With curious conservatism the secretaries still keep the title which they first received when they were the king's private clerks. The seals of office, which they receive and resign on entering and leaving office, represent the signet which the secretary of Richard II. once kept for his master.

The old household offices of the wardrobe were similarly restricted. The king's wardrobe was not uninfluenced by the strong tendency to concentrate administration at Westminster, and so early as 1345 it was worth while to build a house for the "office of the controller of the wardrobe" within Westminster palace.[1] In a text of some ten years later the treasurer of the wardrobe is actually described as "keeper of the king's wardrobe at London."[2] With the growth of a literate laity the sharp line drawn, until the middle of the century, between the clerical and the knightly aspects of the household, between *garderoba* and *hospicium*, became gradually blurred. The treasurer and controller were as often described as "of the household," as "of the wardrobe." The wardrobe or household accounts became more and more limited to the domestic concerns of the king, and less and less a supplementary source of information concerning state

[1] See later, iv. 77, cf. p. 88.

[2] *C.P.R., 1354–58*, p. 289. This was John Buckingham, who was, in June 1355, keeping either the wardrobe, or at least its money, in his own house in the parish of St. Benet, Woodwharf, in the city.

administration and finance. The great years of the wardrobe ended with the swollen accounts of Wetwang for the Crécy-Calais campaign. The later years of the war up to 1360 are indeed reflected in a larger wardrobe turnover than in the period of truce. In the six years of truce, pestilence and distress, between 1348 to 1353, the wardrobe receipts averaged about £18,500 per annum. Between 1354 and 1360, during another six years, this time chiefly occupied with war, the average yearly receipt mounted up to nearly £70,000, the maximum of over £160,000 being reached in the year November 1359 to November 1360. In this period there took place the last great campaign in France, in which the king was personally present, the march from Calais to Burgundy, and thence down the Seine to Chartres, and the consequent negotiations at Brétigni and Calais, culminating in the definitive treaties negotiated at these places. This was the last occasion in the reign when the wardrobe accounts reflected the expenses of a great campaign as well as those of the king's domestic household.

The same tendency towards rigid limitation which the history of the wardrobe shows during these years, comes out in the history of the great and privy wardrobes. Not even the French war brought about any overwhelming increase in the volume of business of these subordinate offices, though the great wardrobe was still to a considerable extent an army clothing department, and the privy wardrobe was acquiring an independent position as a storehouse and factory of arms and armour. The details of these processes will be considered later,[1] but a few remarks here on the position of these offices at this time, and their relations to the general administrative scheme, may be useful.

For the great wardrobe we have mainly to record its final establishment in a house of its own in London on its return from Brabant in 1340. But even so, its sphere contracted rather than expanded. Its history for the next few years is only important as exhibiting another indication of the impulse to concentrate the offices of the government in London or Westminster. We learn how the great wardrobe shifted its quarters from one place to another, how it migrated from Milk

[1] See vol. iv. for the great wardrobe, ch. xiv., and for the privy wardrobe, ch. xv.

Street to Lombard Street and from Lombard Street to the Tower. At last, in 1361, it found a permanent abiding place in the parish of St. Andrew's, near Baynard's Castle, in the extreme south-west corner of the city of London within the walls. Here it remained until its destruction by the great fire of 1666. At the same time, as the wardrobe proper was becoming merged in the *hospicium*, the great wardrobe came to be commonly described as *the wardrobe*. Danger of confusion between the two spread even into official circles, when a curious piece of reaction between 1351 and 1360 subordinated not only the great wardrobe but the king's butlerage to renewed accountability to the keeper of the wardrobe of the household.[1]

The privy wardrobe, the third and least important office to which the name of wardrobe was given, gradually acquired independence of the great wardrobe, and of the chamber, from which it had slowly emerged. Its importance was never great, but its separate existence is due to the needs of the French war. John Fleet, the first known keeper of the privy wardrobe, was a chamber clerk, whose business was to look after the king's arms and armour. The same necessity of making London the basis of supplies for the war with France, which had fixed the great wardrobe in the city, brought Fleet to the Tower, and therefore, in effect, took the privy wardrobe "out of court." Under Fleet's successors, in the period we are now traversing, the privy wardrobe of the Tower of London gradually differentiated itself from both the great wardrobe and the chamber. In 1344 Fleet's immediate successor, Robert Mildenhall, began to render accounts for it directly to the exchequer. The abolition of the chamber estate in 1356 led to a further differentiation between the privy wardrobe and the chamber. Before 1360, the time of the retirement of William Rothwell, the next keeper,[2] the privy wardrobe of the Tower had assured for itself a modest place as a third wardrobe organisation. But even the exigencies

[1] See below, iv. 132-133, and for more details, iv. 431-436.

[2] Rothwell had previously been an exchequer clerk, acting as the Warwick chamberlain from 1350–53; *M.R.K.R.* 130, com. rec. Hil. He was "keeper" of the king's chamber in 1353, according to *I.R.* 373: "Willelmo de Rothewell' custodi camere domini regis in denariis sibi liberatis per manus proprias super officio suo —— c. li. Unde respondebit." The entry is annotated in the left margin: "liberatur ad scaccarium compotorum."

of the French war did not secure it a large scope or a vigorous existence, and, like the great wardrobe, it never attained any real measure of political or administrative importance. The combination of the great and privy wardrobes under one keeper between 1361 and 1377 [1] is further evidence of their restricted operations. The privy wardrobe is mainly interesting because its development was one of the Edwardian administrative experiments due to the needs of war. In the next century it had a successor in the royal armouries of the Tower.

The disposition towards settlement in the capital was also beginning to affect even the wandering king's bench, which now showed an increasing tendency to establish itself at Westminster, like the court of common bench. The movement seems to have been popular, for we find parliament petitioning the crown in 1365 that, for the convenience of suitors, the king's bench should no longer wander with the court, but be held in the fixed place, at Westminster or at York, where the common bench dwells. Though Edward refused to give up his right to hold his own bench where he would, he promised to do his best to relieve his people of their grievances.[2] As a matter of fact, pleas *coram rege* continued to follow the court, though there was certainly a general drift towards Westminster.

In other relations the law courts began to respond to that process of definition and differentiation which is discernible in other aspects of institutional history. We see the process at work in the sharpness of the distinction which was beginning to be drawn between the common law and legislation, and even in the dawn of the separation between law and equity. It was in 1343 that a judge of the common bench laid down that the common law was one thing and equity another.[3] Not long

[1] See later, iv. 384, 457-458.

[2] See below, p. 258, where the matter is treated more fully, in another connection, in chronological position. The inconvenience affected prisoners as well as suitors, for they were liable to be removed from their normal gaol at the Southwark marshalsea and be carried about in carts from place to place according to the court's session. See *C.P.R., 1367–70*, p. 68, a mandate of Dec. 1367 to the keeper of the marshalsea to carry his prisoners from London to Gloucester and thence to other places "where the king's bench shall chance to be working by the king's command."

[3] *Year Book 17 Edward III.* p. 371, Rolls Ser. "Je vous die bien," said Stonor, chief justice of the common bench, in 1343, "qe *audita querela* est done plus dequite qe de commune ley." But, as Mr. Pike points out (*ib.* pp. xl-xli),

afterwards, the faint beginnings of the chancery as a court of equitable jurisdiction manifested themselves, without having much restrictive force on the chancery as an administrative office.[1] Another instance of the same tendency is seen in the increasing unwillingness of the judges of the two benches to employ the large discretionary power which their predecessors had enjoyed up to the days of Edward I. In 1342 a leading pleader urged that privileges allowed by statute were to be interpreted strictly, and in 1346 an active judge accepted this doctrine.[2] When the judges renounced their ancient latitude of interpretation, and allowed a writ to be abated for bad Latin or for mistakes in spelling,[3] it was clearly necessary that some supervising but independent authority should exercise the common sense which was now denied to the two benches. Thus the chancery had to become a new sort of law court, and so gradually lost its old position as the chief administrative body. While it shared its executive functions with the office of the privy seal, and saw gradually a more direct source of execution arise in the king's secretariat, it had its compensations in the development of its power as a court of law.

A similar stiffening up was shown in the gradual differentiation between an " ordinance " of king and council and a " statute " made by parliament. In the early part of the reign each of

---

equity proceedings were still dealt with in the ordinary courts of common law, and the distinction was not, as in later times, between courts of common law and equity. I owe this reference to Mr. T. F. T. Plucknett's *Statutes and their Interpretation in the first half of the Fourteenth Century*, pp. 121-122 (Cambridge Studies in Legal History, ii. 1922). The generalisations of this valuable work have important constitutional and administrative, as well as legal, bearings. It is interesting how the various tendencies of the period all suggest a similar process of development.

[1] Plucknett, u.s. p. 121, rather antedates this in saying, " about this time chancery appears as a separate court." It is not supported by his reference to Baldwin's *Cases before the King's Council*, pp. xxiv-v (Selden Soc.), which rightly puts the process in the next generation or even later.

[2] *Ib.* pp. 88 and 90. The principle, " privilegia statuti sunt stricti juris," was laid down by William Thorpe, afterwards chief justice of the king's bench, in 1343; *Year Book 17 Edward III.* p. 143, cf. *Ib. 17-18 Edward III.* p. 447. William Sharshill, justice of the common bench, accepted this argument in 1346; *Ib. 20 Edward III.* p. 199.

[3] *Ib. 17 Edward III.* p. 43, " Et puis le bref abatist pur faux Latin." *Ib. 17-18 Edward III.* p. 538 and *Ib. 20 Edward III.* p. 199 show the limited extent to which errors in spelling were condoned in the " process " and even in the " writs."

these had equal legal force. The "ordinance of labourers" of 1348 went further towards building up the new law against labourers demanding higher wages than before the plague, than did the subsequent "statute of labourers" of 1351.[1] But the "ordinance of the staple" of 1353, though passed in an assembly that was more than a "great council" through its containing an irregular proportion of commons' representatives, remained an "ordinance." Parliamentary claims had progressed so much in the last three years that, to give it full legislative force, it was thought desirable to re-enact it as a "statute" in the full parliament of 1354.[2] When this stage was reached, we can without hesitation use the modern distinction between statute and ordinance, without being guilty of a gross anticipation of later history. Thus law received its final definition, and the process of differentiation between administrative and legislative action became complete. Only when the distinction had become quite clear to the legal eye, did the chancery clerks begin to draw up the so-called statute rolls, the first member

[1] The ordinance of labourers was issued by Edward III. in council on June 18, 1349, parliament being unable to meet on account of the Black Death; Stubbs, *C.H.* ii. 428. The statute of labourers was regularly passed in Feb. 1351 by the first parliament after the pestilence. Miss B. H. Putnam, who prints in her *Enforcement of the Statutes of Labourers*, appendix 8-17, both statute and ordinance, has shown clearly that the statute did not "re-enact" the ordinance, as even Stubbs has said, but was simply a supplement to it; *Ib.* p. 2. Yet an "ordinance" was soon looked upon as of such questionable validity that it was made into a statute early in the reign of Richard II.; see Stat. 2 R. II., I. c. 8, in *Statutes of the Realm*, ii. 11. In 1349 the commons complained that the ordinance was not obeyed, and suggested that the reason was the lack of adequate sanction to it. They accordingly petitioned for, and obtained, the statute which authorised that "corporel penaunce ovesqe redemptions" (*Rot. Parl.* ii. 227) should be imposed on those breaking the ordinance to give it a greater executive force. Four years later the commons took up a much stronger line, as is shown in the next note.

[2] The ordinance of the staple was made in a "great council," which met on Monday, Sept. 23, 1353, to which were summoned, besides prelates and magnates, one knight from each shire and one citizen and burgess from each city and borough; *Rot. Parl.* ii. 246. Nevertheless, in the full parliament of Apr. 25, 1354, "si prierent les dites communes qe les ordinances de lestaple, et totes les autres ordinances faites du darrein conseil . . . soient affermez en cest parlement et tenuz pur estatut a durer pur touz jours." This suggests the exact date of the final differentiation of statute and ordinance. For the essential equivalence of the two in earlier times, see the convincing arguments in Plucknett, u.s. pp. 32-34. To the instances of "statutes" which were in this later sense "ordinances" may be added such "household ordinances" as the "statute of St. Albans" of 1300, and the "statute of Woodstock" of a somewhat later date. For them, see above ii. 49-51.

of which contains the chief permanent laws of the three Edwards.[1]

With this closer definition of the nature of statute law, we must expect greater stress to be laid on legislation. Accordingly, it is to legislation, rather than to administrative changes within a department, that we must look for the more fundamental developments of the executive authority in the middle years of Edward III. However, the new administrative machinery, then constituted by formal laws, is in no wise related to the problem of household organisation which is our special field, and affects to no great extent the national administrative offices which have special bearing on our particular problems. There were developments of executive action in these years so important that, without being always new departures, they largely strengthened the administrative capacity of the crown. Such, for instance, was the evolution of a new method of local administration from the old commissions for the conservation of the peace into the office of justice of the peace. Before long this development was to transfer much of the jurisdiction of the local courts from the more or less popular authority of the ancient moots into the hands of royal nominees, appointed by royal commission and responsible to the crown for their acts. Another organisation of the same type arose in the commissions appointed under the statute of labourers to uphold the law that wages and prices should be maintained at the level at which they were before the Black Death. It is often said that mediaeval laws were recognitions of an ideal rather than enactments designed to be carried out. But the elaborate detail from record sources, which Miss Bertha Putnam has collected, shows that no effort was spared by the central authority to make this piece of legislation effective.[2] If its success was

[1] This statute roll possesses 47 membranes, of which mm. 47-34 contain the laws of Edward I., mm. 33-29 those of Edward II., and mm. 29-1 those of Edward III., arranged year by year. It is apparently a compilation of the period of its issue, though the hands are by no means all the same. But it is ludicrous to refer to it as containing " originals " or even " official records " of the laws thus conveniently assembled. Before the end of the fifteenth century the inclusion of legislation in the parliament roll made its continuation unnecessary, and the whole series, which ends in 8 Edward IV., only comprises eight rolls ; Giuseppi, *Guide to Public Records*, i. 39.

[2] The illustrations of the process, briefly indicated in the text, are all taken from Professor Putnam's *Enforcement of the Statutes of Labourers, 1349–1359*

incomplete, it was from no lack of energy on the part of its administrators. After 1359 the commissions of the peace and the commissions of labourers were combined in the same hands. There can be no doubt but that from this concentration of control in the hands of the justices of the peace, came a strength to the royal executive which had been lacking in previous ages. Fresh powers were constantly given by statute to the local justices. Unlike their more modern successors, their numbers were strictly limited, and included at least one local magnate as well as a certain sprinkling of lawyers. They were not yet the great unpaid, for a liberal scale of wages gave them a direct motive for keeping on good terms with the royal source of their power.[1] They worked hard and they made England more peaceful, but even then the land remained lawless.

This consummation was a real step towards the centralisation of administration, and some compensation for what the king had lost in other directions. The quarter sessions of the justices, which began humbly enough with the meetings, every three months, of the justices appointed by ordinance of labourers, became before long an efficient and progressive substitute for the rigid and unbending traditions of the ancient local moots. Another and broader point was involved, namely that, for the first time, the central government both legislated on economic matters for the whole country, and provided adequate special machinery for the administration of its new laws. These impulses were so generally felt that each of the great franchises devised appropriate methods of carrying out the king's policy as regards labourers and the peace. There were sessions for this purpose in Durham and Cheshire, under the justices appointed by the bishop and the earl, just as in the ordinary shires they were held by the justices of the king. When, in the midst of the new development, a new palatinate was established by the erection of the county of Lancaster into a duchy in 1351, the judicial proceedings, initiated by the justices of the king,

(New York, 1908, Studies in History, etc., edited by the Faculty of Political Science in Columbia University, vol. xxxii.).

[1] In 1362 the commons petitioned that justices of the peace and of labourers should have "suitable wages"; *Rot. Parl.* ii. 271. In 1380 the crown promised justices wages amounting for each day of their sessions to 4s. for a knight, 2s. for an esquire, and 1s. for their clerk; *ib.* iii. 84.

were continued on similar lines by the justices of duke Henry. Thus, despite the great concessions made to feudalism, the device of employing the local nobility and gentry as agents of the central authority put a weapon into the hands of the crown which had increasing efficacy up to the Tudor period.

Other administrative authorities were also instituted or elaborated which, like the commissions of labourers and the peace, trenched on the economic sphere. Among these were the officers of the staple, whose early history we have already sketched in outline.[1] The staple system underwent new developments in the middle part of Edward III.'s reign. At first the restless shifting of the staple from foreign to English towns, and from one overseas centre to another, was continued. The staple at Bruges, set up in 1341, had ceased to be a necessity with the virtual collapse of the Flemish alliance, and the objections felt in some quarters to a foreign staple were minimised by its partial transference in 1348 to the king's new conquest of Calais.[2]

After various experiments, however, a reversion to home staples was effected in 1353 when the ordinance of the staple [3] designated ten towns in England and others in Wales and Ireland as home staples,[4] largely with the object of securing a

[1] See above, ii. 211-212 and iii. 50-51, and later, p. 187, n. 3.

[2] An entry in *C.C.R., 1346–49*, p. 476, suggests that the staple for woollen cloth for export was established at Calais before July 3, 1348, while the staple of wool, hides and wool fells was removed to Middelburg in Zealand at Michaelmas 1348; *ib.* p. 597. But there was still a staple of wool at Bruges in 1352; *ib., 1349–54*, p. 338.

[3] *Rot. Parl.* ii. 246-251.

[4] The English towns were Newcastle, York, Lincoln, Norwich, Westminster, Canterbury, Winchester, Chichester, Exeter and Bristol; Carmarthen for Wales; and Dublin, Waterford, Cork and Drogheda for Ireland. Each staple town not on the sea had its port, for example, Hull for York and London for Westminster. The new staple towns and ports were substantially, but not altogether, the same as the towns which earlier had possessed cocket seals, and therefore authority to receive the customs levied on exports. The Westminster staple suggests perhaps an effort to give economic self-sufficiency to the royal residence, which had long complained of its dependence on the court and its lack of trade. See above, pp. 63-64. For the buildings erected for the use of the Westminster staple and the consequential improvement of the roads between Westminster and the city, see Tait's notes to John of Reading's *Chronicle*, pp. 298-299. The virtual transference of the staple back to London between 1362 and 1365, by the removal of most of its business to the city (*ib.* p. 299), excited the indignation of the abbey chronicler (*ib.* p. 153), who reproached the king and magnates with perjury, and regarded the arrangement of leaving there a few warehouses with wool and weights, as a scandalous evasion of their oaths. Another staple was allowed by the king, on the petition of the commons, at Canterbury, "en l'onur de seint Thomas"; *Rot. Parl.* ii. 253. The request

sufficient supply of specie in the realm from the foreigners who resorted to the staple towns to buy wool.[1] A measure which excluded English merchants from foreign trade in the interest of foreigners was not likely to last long, no matter what advantages might immediately accrue from it in war time.[2] We shall see later that, after the peace, the home staples were generally supplemented by a "foreign staple," for which Calais, the one town beyond seas permanently under the king's jurisdiction, became ultimately the normal seat.[3] Yet the ordinance of 1353 had some abiding results so far as England was concerned. Though the towns chosen for staple towns varied to a certain extent, especially in the case of those on the margin of importance, there normally remained after 1353 a definite number of English commercial centres as the English homes of the staple.

This series of staple corporations, all organised on similar lines, watched over the market of each staple town, provided convenient machinery for regulating commerce, enforced the payment of customs, and thus secured for the crown more opportunities of normalising the economic system of the English state. The mayor and constables of every staple were royal officials, appointed by the crown, responsible to it, and empowered, like the local justices, to exercise extensive jurisdiction. They soon took upon themselves wider powers, and in many cases absorbed the local jurisdiction over commercial debts, established by the statute of merchants. They therefore represented a new method of royal control, another increase in the administrative resources of the crown. The pretext of safeguarding the

---

of the commons for other staple towns was refused. Some later changes were, however, made; for example, Queenborough for a time replaced Canterbury, and Lynn was promised a staple in 1373, though not a royal borough.

[1] "Pur replenir les ditz roialme et terres de monoie, et de plate d'or et d'argent et des marchandises d'autres terres;" *Rot. Parl.* ii. 247.

[2] Knighton (ii. 74, R.S.) stressed the advantage of the staple at London (to a Leicester canon Westminster was London), "ad magnum emolumentum regis et magnum damnum alienigenarum et mercatorum." The reputed gain of the king, however, was only £1102. Knighton treats the staple as a fiscal measure.

[3] On July 1369, on the renewal of the French war, the Calais staple was abolished, and "ten such staples" were directed to be held in England; *C.F.R.* viii. 11. However, on Aug. 11, 1370, the Calais staple was renewed, and goods were to be transported from the English staples to Calais only; *ib.* p. 92. There were other changes under Richard II., for which see later, pp. 476-479.

royal right of prise, while allowing the utmost freedom to merchants, gave in certain cases the last word in disputes to the steward and marshals of the king's household.[1] So much business accrued to the central power from the execution of the ordinance, that the clerks of the chancery began in 1353 to enrol in a new series of chancery rolls the numerous writs required for its execution. These were the staple rolls, which were kept up continuously for more than a century.[2] In the long run the actual gain to the crown was less than appeared at first sight probable. Just as the royal justices of the peace became in practice the organ of the opinions of the local aristocracy, rather than of the royal power, so did the staple organisation before long become a new aspect of municipal activity and autonomy.[3]

It must not, however, be thought that the only strong tendency in this period was towards monarchical centralisation. It is unsafe to deny to Edward III. some sort of general policy, at least in so far as a policy of sorts is involved in an intelligent perception of his personal interests. Yet the hard conditions of the time combined with his own irresponsibility of temper to make the king undo with one hand what he was fastening up

[1] See, for instance, *Rot. Parl.* ii. 247-248.

[2] Giuseppi, *Guide to the Public Records* (4th edition, 1923), i. p. 37. They range from 27 Edward III. to 39 Henry VI., and are now classified among the "Supplementary Patent Rolls." Of these, roll 22 covers the period between 27 and 50 Edward III. It seems a pity to give them this new and vague name, since each roll is definitely described in the document itself as "rotulus stapule." A careful examination of these rolls has not yet been attempted. It would add much, I feel sure, to our knowledge of the later history of the staple.

[3] The history of the staple still needs a careful and systematic working out, for the chief monograph on the subject cannot be regarded as satisfactory. This is the dissertation of Miss Adaline L. Jenckes, *The Origin, the Organisation and the Location of the Staple of England* (Philadelphia, 1908). The best general account is perhaps still that of W. von Ochenkowski, *England's wirthschaftliche Entwickelung im Ausgange des Mittelalters* (Jena, 1879), pp. 187-217, though short and incomplete as regards its beginnings. G. von Schanz, *Englische Handelspolitik gegen Ende des Mittelalters* (Leipzig, 1881), i. 329-332 and 496-504, adds something for its later development. But neither of these books enters into detail or uses unpublished records. Schanz's "Urkunden—Beilagen," "Die Merchant Adventurers und Stapelkaufleute," ii. 539-589, contain no document earlier than 1458. See my *Place of the Reign of Edward II. in English History* (M.U.P. 1914), pp. 241-266, for the origins and up to the end of the reign of Edward II. A large amount of valuable information as to the staple under Edward III. is scattered throughout G. Unwin's *Finance and Trade under Edward III.* (M.U.P. 1918), but the war prevented the publication of Mr. L. H. Gilbert's "History of the Staple, 1313-1353," which it was hoped to include in that volume.

with the other. The exigencies of constant warfare forced Edward and his ministers to fall back on a shallow opportunism, which met an immediate trouble by a remedy producing far other results than those sought. Parallel with this movement towards regulating and strengthening the influence of the central state was the continuance of a traditional "feudal" policy, the result of which sometimes approached the concessions to the aristocracy found necessary by the early Valois kings of France.

We have spoken of the cessation of political conflict, and in particular of the virtual disappearance of the aristocratic opposition, which, when united, had been strong enough to upset the policy of the strongest of kings. The common interest of the king and his nobles in prosecuting the war with France has been suggested as one reason for this change of temper, and another has been found in the judicious concessions by which Edward generally met a united and determined opposition. Yet these reasons will not account for everything, for mediaeval patriotic altruism was seldom pushed to the disregard of material interests. The great bishops and barons, who aided Edward III. in his administration and followed him in his wars, never lost sight of the main chance. They expected substantial rewards for the part they played in the execution of the king's designs. Accordingly, the earlier policy, perhaps suggested by archbishop Stratford, of conciliating the magnates by grants of franchises was continued.[1] Thus Richard, earl of Arundel, already justice of North Wales, was, in 1345, appointed "for the better keeping of the peace in the March of Wales," sheriff of Shropshire for life.[2] Henry of Grosmont, even during his father's lifetime, received similar grants, obtaining in 1342, for ten years, the keeping of the castle and county of Carmarthen, to which, in 1345, was added the sheriffdom of Staffordshire for life.[3] In the same way, Thomas Beauchamp, earl of Warwick, already hereditary sheriff of Worcestershire, was, in 1344, made sheriff of Warwick and Leicester for life.[4] The commons, alarmed by such grants, petitioned for sheriffs to be appointed yearly.[5]

[1] See above, pp. 36-38.
[2] *C.F.R.* v. 412-413.
[3] *Ib.* v. 423.
[4] *Ib.* v. 378.
[5] *Rot. Parl.* ii. 142, 161, and many other places.

In 1346 they obtained their object, along with a promise that henceforth no sheriffdom should be given in fee.[1]

These grants are the more important since the circle of the higher nobility was rapidly narrowing.[2] In the twenty years dealt with in this section the creation of earldoms practically ceased. After the erection of a nominal earldom of Cambridge in 1340, in favour of the king's brother-in-law and foreign ally, margrave William of Jülich, there was only one real addition to the earldoms in the creation of the earldom of Stafford in favour of Ralph, "baron of Stafford," a successful courtier and soldier, whose elevation reminds one of the earldoms given to Clinton, Montague and Ufford in 1337.[3] It was no more than restoration when the earldom of March was revived in 1354 in favour of the grandson of the traitor. Then, with the new earl Roger, the house of Mortimer again took up a definite part in history. In 1342 the earldom of Richmond was similarly kept alive by its transfer from John of Montfort to the infant John of Gaunt. But the earldoms, old and new, were rapidly disappearing. Of the seven fresh creations of 1337, Gloucester became extinct in 1347 and Huntingdon in 1352, while Derby and Northampton became merged in Lancaster and Hereford. Of the two earldoms of the king's uncles, Norfolk lapsed on the accession of an heiress to the estates of Thomas of Brotherton,[4] and Kent was only kept alive by its transfer in 1360 to Thomas Holland, the first husband of Joan of Kent, the daughter and sole heiress of Edmund of Woodstock. Accordingly, by 1360, there were

[1] *Ib.* p. 161, the commons prayed in 1346 "qe nostre seignur le roi desoreenavant ne grante a nul office de viscont a terme de vie, ne en fee, pur trop esbauder tieux officers contre le poeple." The king allowed this request "because such grants were in the opinion of the council contrary to the statute." I have found no later grant of a sheriffdom in fee, so that Edward for once was as good as his word.

[2] The last addition to the earldoms was the renewal in 1339 of the earldom of Pembroke in favour of Lawrence Hastings, as the heir of Aymer of Valence, "comes, ut dicitur, palatinus Pembrochie"; *Foedera*, ii. 1093.

[3] See above, pp. 37-38.

[4] Margaret, Thomas' only surviving child, long retained the estates and title. Her marriage, after 1353, with Walter Manny, further raised the position of that adventurer, who even in 1346 had a "comitiua" in the Crécy campaign as large as that of an earl. See Wrottesley, *Crécy and Calais*, p. 195. He had 326 followers, a number only surpassed by Warwick with 348. The prince of Wales and the earl of Lancaster with over 1300 apiece, stood in a class by themselves. In 1397 she was made duchess of Norfolk, and in 1398 she died. See later, iv. 27.

only twelve earls left,[1] some of whom were minors, while others were of no great weight.

Naturally the remaining independent earls possessed tremendous importance, and represented great aggregations of family and territorial authority. Of them, Lancaster, Arundel, Warwick,[2] March, Hereford and Pembroke, were perhaps the most influential. They were strenuous warriors and notable personalities. It was necessary, then, for the king to win the support of such men, and this need overbore political prudence and administrative efficiency. These recipients of royal favours tended to make common cause with each other, and to reconstitute family alliances. Thus, in 1344, Arundel obtained the nullification of his marriage with the daughter of Edward II.'s favourite, Hugh Despenser, and contracted another union with the sister of Henry of Lancaster.[3] The natural result was that the Fitzalan family became allied to the house of Lancaster, and, when the ranks of the opposition were once more formed, took a conspicuous place therein. Also, they could now act with more authority, since Arundel succeeded in 1347 to the estates of the last earl Warenne of the house of Fors, and a few years later became earl of Surrey as well as of Arundel. He was henceforth the strongest of the territorial magnates, if we omit the prince of Wales and the duke of Lancaster.

[1] These were Richard Fitzalan, earl of Arundel, margrave William of Jülich, nominal earl of Cambridge, Hugh Courtenay, earl of Devon, Humphrey Bohun, earl of Hereford and (1360) Northampton, Thomas Holland, earl of Kent, Roger Mortimer, earl of March, John Vere, earl of Oxford, John Hastings, earl of Pembroke, John of Gaunt, earl of Richmond, Ralph Stafford, earl of Stafford, Robert Ufford, earl of Suffolk, and Thomas Beauchamp, earl of Warwick. William of Jülich died in 1361, and in 1362 the earldom of Cambridge was transferred to the king's son Edmund of Langley, so that there was a real addition to the circle of active earls. William's son surrendered his claims to his father's succession in 1366. To these, Henry, duke of Lancaster, and Edward, prince of Wales and duke of Cornwall, should be added, as both held earldoms besides their higher dignities.

[2] Two Thomas Beauchamps, father and son, held the earldom of Warwick from 1315 to 1369 and from 1369 to 1401 respectively. This is a rare instance of longevity under fourteenth century conditions, though surpassed by the green old age of Margaret of Norfolk.

[3] This was a marriage based on a somewhat irregular affection and not on territorial considerations. See some of the details of the curious story summarised in *Complete Peerage*, ed. Vicary Gibbs, i. 243-244. But, as in the case of the not dissimilar marriage of the Black Prince, territorial consequences inevitably followed.

If, up to a point, the franchises bestowed on Arundel and Lancaster were almost balanced, other grants to Lancaster overweighted the scale in favour of the king's cousin. The elder earl Henry of Lancaster, had, so early as 1342, received grants of exclusive return of writs, of all fines and amercements imposed upon his tenants in the king's courts, of the right to execute all summonses of the exchequer, and of other franchises, which transferred the administrative work of the royal courts, as regards Lancashire, from the officers of the king to those of the earl.[1] The exceptionally lawless state of the district might have been some excuse for such transference of authority from the crown to a subject, but it could hardly explain the final renunciations of 1351. In that year the younger earl, Henry of Grosmont, the victor of Auberoche, was created duke of Lancaster for life, and the newly made duchy was erected into a palatine jurisdiction with chancery and chancellor, justices empowered to try all pleas in the name of the duke, and all other royal rights, "as freely and fully as the earl of Chester is known to have them in the county of Chester."[2] The Chester analogy was not, however, pressed to its full extent. The crown reserved to itself in the new duchy the right to tax both the laity and clergy through the ordinary machinery of parliament and convocation, insisted that the duchy and its boroughs should still be represented in parliament, and expressly retained the power, which it already implicitly exercised in the older franchises, of correcting faults of justice and of pardoning offenders.[3]

The king's motive in this departure from counsels of prudence must, we imagine, be sought in his desire to attach his cousin

[1] See for this Tait's "Political History of Lancashire" in *V.C.H. Lancashire*, ii. 205.

[2] One incident of palatine rights was the exclusion of the king's escheators from the franchise. The palatine charter was issued on Mar. 6, 1357, and on Mar. 10 a royal writ ordered the king's escheator in Lancashire, Cumberland and Westmorland not to intermeddle further with "the office of that escheatry in the duchy of Lancaster"; *C.C.R., 1349–54*, p. 293. The fact that no other escheator received such a mandate strongly suggests that the "duchy" was, in fact, the county of Lancaster under a more dignified name.

[3] These charters, summarised by Tait, u.s., are set out at length by W. J. Hardy in his *Charters of the Duchy of Lancaster*. One of the first results was that the duke issued commissions of the peace and of labourers which superseded those of the royal justices previously acting. Putnam, appendix, pp. 192-194, 241-242, gives some Lancashire acts, both of the royal justices of labourers in 1350 and of the duke's justices after 1351.

to his service and to reward him for his exploits against the French. It was, perhaps, the easier to make the concession, since previous grants had already diverted the bulk of the royal revenue of the Lancaster lands from the crown to the earl. Moreover, a great palatinate was regarded as self-supporting, and there was reasonable prospect that any surplus of revenue might well finance the great *comitiua* of warriors, which attended the duke when he waged war against the French. Nor was Edward unmindful of increasing the glory of royalty by surrounding the throne with territorial magnates capable of keeping great state from their own resources, and likely, since they had got already all that they wanted, to support the crown as strenuously as earl Ranulf of Chester had upheld the royal authority during the minority of Henry III. The grants, too, were only for life, and the king had his reward when in 1361 duke Henry, after ten years of perfect loyalty to his master, died without male heirs and the duchy lapsed to the crown.

The creation of the Lancaster palatinate did not, however, stand alone. The real precedent for it was the exalted status already given to the king's eldest son. To the palatinate of Chester, which he had held from his cradle, were added first the duchy of Cornwall and then the principality of Wales. Thus the union of the principality and the crown, which had been unbroken since 1307, was again dissolved. The king's justices of Wales became the prince's justices,[1] and the sheriffs and other officers, the prince's officers. It was, in effect, the creation of a new jurisdiction outside the authority of the crown, a franchise watched with some anxiety by the royal officials, although harmless enough so long as the prince was a loyal son, and the most strenuous of the king's generals against the French. Yet it was, like the Lancaster duchy, another potential source of trouble, and from the beginning a new complication to the smooth working of the central administrative machinery. The danger was early seen when the prince's officers claimed to exercise jurisdiction over the marcher lordships, and to treat the Welsh bishoprics as if they were merely ecclesiastical march lands. Accordingly in 1354 a statute was passed laying down that all the lands of the marches of Wales should be perpetually annexed

[1] *C.F.R.* vi. 31.

to the crown, and not to the principality of Wales.[1] Prince Edward was thus warned of taking upon himself the nationalistic position of the last Llewelyns, and to limit himself strictly to the five shires of Gwynedd and west Wales.

The cases of Wales and Lancaster did not stand by themselves. Even before these grants there had been the exceptional position of queen Isabella, which, though seriously restricted in 1330, was not altogether destroyed until her death in 1358. Only less important was the status secured for queen Philippa.[2] To these came to be added the settlements made for the king's younger sons, to which we shall have to recur later. It was already becoming clear that the principle underlying the king's acts was the erection of new "states within the state."

As in the case of the prince of Wales, certain reservations in respect to time and powers were, as we have already seen, made touching the palatine authority of the duke of Lancaster. Most important of all, the special powers given were limited to the

[1] This is well brought out by Mr. D. L. Evans' paper, "Some Notes on the Principality of Wales in the time of the Black Prince," in *Transactions of the Hon. Soc. of Cymmrodorion (1925–26)*, pp. 25-110, the best short account that has been published of Edward's work as prince. The section on "The Prince and the Marchers; the Church," pp. 84-99, is particularly instructive. To Mr. Evans' sources may be added *C.F.R.* vi. 34-39, which illustrate the rival claims on the part of the king and the prince in 1347 to the temporalities of the bishopric of St. David's during a vacancy. On May 17 a keeper of the temporalities was appointed, "to answer to the king if they ought to pertain to him or to the prince of Wales, if they ought to pertain to him pursuant to the king's charter of creation." Even then the king "appeared at first sight to have the right thereto." On July 4 another keeper was appointed, and the prince's escheator instructed to hand over to him such temporalities as were in his keeping. This question was settled by the regency, when king and prince were both before Calais, and suggests no ill-feeling between them, but simply counter-claims of their respective ministers. Besides the precedents Mr. Evans mentions, there was a decisive precedent of Llandaff, where it had been decided, under Edward I., that the custody of its temporalities belonged to the king, and not to the earl of Gloucester.

[2] In June 1347 the escheator of Yorkshire declared that John Darcy, deceased, held no lands in Yorkshire except within queen Philippa's honour of Pontefract, "within which no escheator of the king intermeddles"; *Cal. Inq.* ix. 31. Similarly the duke of Cornwall had, after 1341, a keeper of his fees, who became in substance escheator within the whole of the dominions of the heir apparent. Yet Mrs. Sharp has collected ample evidence of the strict control exercised by the king as early as 1338 over his elder son's estates. She has shown that in that year the king's officers suffered real anxiety lest the crown should lose any of its rights in the honour of Chester. Both the prince of Wales and queen Philippa had their exchequer at Westminster, and Philippa had her wardrobe at La Réole, a house in Vintry ward in the city of London.

county, now called the duchy. While the earlier grants of franchise extended to the whole of the Lancaster estates throughout England, the palatine powers now conferred were restricted to the area of Lancashire.[1] It was, nevertheless, becoming an object of ambition of all great territorial magnates to unite their widely scattered dominions in one organisation. They had already a rudimentary central authority in their household establishment through which, like the king, they controlled all their possessions. This, being personal to the lord and not restricted to any particular locality, was a means whereby each magnate of the higher class could build up a single administrative system, which, as regards the larger liberties, had inevitably to take upon itself some of the public or political features that had so long inhered to the king's household. It is hardly going too far to say that every leading magnate made it his object to bring his dominion under such a unified direction. The refusal of such power to the first duke of Lancaster suggests some recognition both of the tendency and of its danger.[2]

Even for its first duke, the wardrobe organisation of the household proved a sound nucleus for such a central authority. There are few records of duke Henry's household available, but enough survive of those of his son-in-law and grandson to show that the Lancastrian household was almost as much developed as that of the king, and exercised an effective check on the officials employed in the administration of the local territorial units of the duke's estate.[3] It was so effective that, as early as 1346, before

[1] See for this Prof. Baldwin's "Chancery of the Duchy of Lancaster" in *Bulletin of the Institute of Historical Research*, iv. 129-143. I am in entire agreement with Prof. Baldwin's conclusions.

[2] The regrants of the palatinate to John of Gaunt showed a similar restriction. It was not until Henry of Bolingbroke had become Henry IV. that the "duchy" was extended from Lancashire to the whole complex of the Lancaster estates; Tait, in *V.C.H. Lancs.* ii. 211.

[3] The chief printed sources are *John of Gaunt's Register, 1372–76*, Camden Series, ed. Armitage Smith (1911), and *the Earl of Derby's Expeditions, 1390–91 and 1392–93* (Camden Soc. ed. L. T. Smith (1894)). Mr. Armitage Smith has deposited in the Public Record Office a copy of the portions of John of Gaunt's Register which he was unable to print. Mrs. Sharp has now undertaken to edit this section of the register for the Camden series of the Royal Historical Society. Mr. Armitage Smith treats in some detail on the subject in *John of Gaunt*, pp. 216-229 (1904). Two recent studies on the subject by Prof. Baldwin are of great value. These are the "Chancery of the Duchy of Lancaster," already referred to, and "The Household Administration of Henry Lacy and Thomas of

the establishment of the duchy, Lancaster was able to raise a larger *comitiua* than the prince of Wales to fight against the French.[1]

We know from the days when Edward of Carnarvon was prince of Wales how the prince's household was organised.[2] The household system of the famous warrior prince was much more highly developed than that of his ineffective grandfather in his pre-regnal days. Later it must be studied in some detail,[3] but here it will be enough to indicate roughly its chief features. Comparing it with the Lancastrian establishment, we find the same adaptability to the management both of an estate and of an *imperium in imperio*. There was the same contrast between the various local authorities, dealing separately with the great territorial aggregations, and the centralised body which co-ordinated them into a single system. In the prince's household this central control had now become stronger by far than in earlier times, and was marked by some new features. It exercised so much power that it reduced to unimportance the local officials of its three chief British units, Chester, Wales and Cornwall. The source of this central control was the household and wardrobe, and it is significant that, as in the Lancastrian household, there was a single secretariat, sometimes called a chancery, though its instrument was the privy seal, the prince having no great seal before 1362. Thus, so early as 1346, John Hale, keeper of the prince's wardrobe was also called "chancellor of the prince."[4] After 1343, to some

---

Lancaster," in *E.H.R.* xli. 180-200. The latter largely adds to our knowledge of the origins of the Lancaster franchise, and immensely extends my short account of them in above, ii. 184-185. Unluckily I missed the surviving "Ministers' accounts," series 1/2 m. 20, and other sources which Mr. Baldwin has used with such great profit. For further details see later in vol. v.

[1] Wrottesley, *Crécy and Calais*, p. 193, where the prince drew pay for 1343 and Lancaster for 1376. Too much stress should not be laid on the figures, but they have their significance.

[2] Above, ii. 165-187. This must now be read in the light thrown on the wardrobes of the king's sons by Professor Hilda Johnstone, notably in her "Wardrobe and Household of Henry, son of Edward I.," in *B.J.R.L.* vii. 384-420, and "The Wardrobe and Household Accounts of the sons of Edward I.," in *Bulletin of the Institute of Historical Research*, ii. 37-45. Moreover, she is now printing the surviving roll of Edward of Carnarvon's early letters (above, ii. 181, n. 1) for the Roxburghe Club.

[3] See later, ch. xviii. § II.

[4] *Treaty Rolls*, 23/5 (*Rot. Franc. de anno* xx°), record a writ of Dec. 15., "per testimonium Johannis de Hale, cancellarii ipsius principis." We know that Hale was the prince's wardrobe keeper up to 1347; *C.P.R.*, *1345–48*,

extent the prince's wardrobe was subordinated to, or rivalled by, the prince's exchequer at Westminster, established in 1343 to receive revenue previously paid into his wardrobe. Chancery, exchequer and wardrobe were no longer a purely household control, and therefore were almost as effective when the prince was in France as when he was in England. For instance, the prince's wardrobe and privy seal remained in England even when the prince was beyond seas, thus showing the same tendency to go "out of court," as the wardrobe and privy seal of the king.[1] Still less household was the prince's exchequer at Westminster, wherein the general receiver acted as a political treasurer as much as the household treasurer of his master's resources. After 1346 the officers of Chester, Wales and Cornwall were required to answer to him for all revenue, and after 1351, accounts, when audited, were delivered by him to the king's exchequer, "so that henceforth the prince's business should be done there by the same laws and usages as the king's own business."[2] More than that, the prince's exchequer became also an exchequer of pleas, exercising judicial functions so extensively that Cheshire suitors complained that they were forced to leave their district to submit their cases before the prince's exchequer and council at Westminster.[3] It was in the prince's exchequer that his council normally sat. Besides the Westminster office, there was a prince's treasury in the city of London,[4] as well as a prince's

p. 387. He was also keeper of the prince's privy seal, which he took with him in 1346 to France, leaving in England another privy seal kept by Peter Gildesburgh; *M.B.E., T. of R.* 144/33. See for this p. 35 of Mr. D. L. Evans' paper quoted above, p. 193.

[1] The administration of the prince of Wales will be treated at greater length in vol. v., below. I have based my remarks here on the investigations of Mrs. Sharp, some results of which have already appeared. See "The Administrative Chancery of the Black Prince before 1362," in *Essays in Mediaeval History presented to T. F. Tout*, pp. 321-333, and "A Jodrell Deed and the Seals of the Black Prince," in *B.J.R.L.* vii. 106-117.

[2] This was an order of Nov. 19, 1351.

[3] This exchequer was already at work in 1346-47. In 1351, Cheshire suitors complained of pleas "newly drawn to the prince's exchequer in Westminster." The prince's council promised that only hard and doubtful cases should be considered by the prince and his council, for which there were to be stated meetings, in the quinzaines of Hilary, Easter, Midsummer and Michaelmas. In 1366 the prince also had a local exchequer at Exeter, doubtless for the duchy of Cornwall; *C.P.R., 1377–81*, p. 154.

[4] *C.P.R., 1358–61*, p. 290. In 1358 there was, Mrs. Sharp tells me, an inn in the city where the officers of the prince discussed business together.

wardrobe there, existing as early as 1346, in Ironmonger Lane. This is just the same as the prince's wardrobe of the early part of the next reign in the Old Jewry.[1] It is described both as the prince's wardrobe and as his great wardrobe. Sometimes references to the armour and arms contained in it show that it was also a "privy wardrobe." Whatever were its functions, this stationary wardrobe was sharply differentiated from the itinerating wardrobe which followed the prince on his travels, and was therefore frequently located for long periods in Gascony. Centralisation was further ensured when, for many years, Peter Lacy, the receiver of the prince's exchequer, acted also as keeper of his great wardrobe; so that the Westminster and the city offices were under one head.

To complete the analogy between the developments of the administrative systems of king and prince, we must note how the prince borrowed not only royal clerks and inferior officials, but even judges of the high court, and sent them as his agents to hear cases in his own domains. So interdependent were the two administrations that men might hold concurrently office in both. Thus Peter Lacy, a clerk of Edward III. up to 1369,[2] was transferred to the prince's service, and when he became keeper of the king's privy seal, he did not give up his former office as receiver of the prince. Even earlier than this, Peter Gildesburgh left a post in the royal exchequer to become the prince's wardrobe officer.

The prince's administration, like that of the king, was centred in Westminster. It was the same with the hardly less elaborate system of the dukes of Lancaster. The Lancastrian chancery consciously copied the king's chancery. Just as in 1351 duke Henry borrowed the services of Henry Haydock, a second form clerk of the royal chancery, to organise the chancery of his new

[1] There was, in the Old Jewry in 1376, an inn of the wardrobe pertaining to the duchy of Cornwall, which was then assigned to the princess of Wales on the Black Prince's death: *C.P.R., 1374–77*, p. 375. This is spoken of on Aug. 28, 1385, as "le houstel appelle le prince's wardrobe en launcien jewerie dedeins nostre citee de Loundres" (*C.W.* f. 1346/28), which Richard II. gave on that date to queen Anne of Bohemia; *C.P.R., 1385–89*, p. 12.

[2] *C.F.R.* viii. 2, shows this for Feb. 1369. Such borrowing was no new thing in this generation. Edmund of Lancaster, founder of the greatness of the Lancastrian house, obtained from his brother, Edward I., the services of a chancery clerk, Hugh de Vienne; Baldwin in *Bulletin*, u.s. p. 131.

duchy,[1] so did John of Gaunt appoint, in 1377, Thomas Thelwall, "one of the twelve clerks of the first degree" of the king's chancery, to be his chancellor in the duchy.[2] The main difference between ducal and royal chanceries was that the former included the privy seal within its scope, while the latter relegated the privy seal to a separate office. Of the Lancastrian wardrobe, which went back to the origin of the house, the Lancastrian chronicler boasts that no Christian king had a better wardrobe than had John of Gaunt.[3] It is not clear where this wardrobe was located at this period, but under Richard it was certainly established in the sumptuous manor house of the Savoy in the Strand, rebuilt by duke Henry from the foundations, which became the administrative centre, as well as the home, of the dukes of Lancaster.

Nobles of less distinction than the prince of Wales and the duke of Lancaster worked out their salvation on similar lines in proportion to their resources. In all, the household system was made the basis of an administrative centralisation that bound the scattered estates into a single entity. Besides the wardrobe or chamber officers who did the detailed work, there was always the baronial council which gave the lord advice and afforded him the knowledge, notably the legal knowledge, of professional experts.[4]

[1] *C.P.R., 1350–54*, p. 114. The crown promised to maintain Haydock's status intact, and within two years he became a clerk of the first form; *ib.* p. 397.

[2] *Ib., 1374–77*, pp. 455-456. It similarly was provided that Thelwall's position in the king's chancery should remain intact, so that he took his robes as usual and continued in his place by deputy in the chancellor's inn, "as has been done before in like cases."

[3] For the Lancastrian wardrobe in 1381 see Knighton, ii. 134-135, "custos dictae garderopiae asseruit . . . quod credidit quod non esset aliquis rex Christianus habens meliorem garderopiam, nec aliquis vix talem." As to the Savoy, Knighton says, "manerium ducis Lancastriae vocatum Sawey, miro structurae tabulatu, paulo ante aedificatum, quod quidem Lancastrae primus dux . . . de fundamento construxit, in regno Angliae, ut credebatur, non habens sibi simile." It was one of the abodes of the captive king John of France in 1358. Lancaster received compensation for his dispossession.

[4] For the baronial households and councils see above, ii. 149, 181-187, and for those of the later mediaeval magnates, Stubbs (*C.H.* iii. 559-668), is valuable, though ignoring the administrative side. Miss E. Levett has collected in *Mélanges d'histoire du moyen âge offerts à M. Ferdinand Lot* (1926), pp. 421-441, details as to the personnel and work of these councils in her paper on "Baronial Councils and their Relation to Manorial Courts." I doubt, however, whether she makes good her contention that the baronial councils contributed "to the disastrous decay of the English manorial courts."

How great were the resources of these baronial households is shown by the remarkably complete series of household accounts of the last surviving Gloucester co-heiress, the lady Elizabeth of Clare, who, as an elderly widow of recluse habits, kept a state and establishment comparable with those of the greatest magnates. The centre of her system was the receiver, properly the clerk of the chamber, and a feature of the development was the combination under him of both wardrobe and chamber, brought together in a single organisation, controlled from a common centre.[1] It was this great estate which formed the nucleus of the power of Lionel of Antwerp, when his marriage with Elizabeth's granddaughter brought it within his purview. Twenty years' service, as head of Elizabeth's united wardrobe and chamber, justified the promotion of William Manton to the keepership of the royal wardrobe.[2]

There was nothing new in all this, but the abundance of records now available for the baronial households shows the similarity between them and royal households. The baronial households, recognised as of supreme importance during the Wars of the Roses, were as important in the fourteenth century as in the fifteenth. But it was only when the decay of the central power allowed the great nobles freedom to fight out their factions, one against the other, that they became dangerous to the unity of the national state. The tendency for the magnate, inheriting the traditions of several great houses, to regard his brother magnate as a rival was checked at this time by the power of the crown and the need of fighting the French. The movement towards baronial centralisation, which ran parallel to that towards monarchical centralisation, was helped by the constant tendency of estates to become consolidated into still greater estates, so that the barons who mattered steadily decreased in number. On the other hand, other baronial properties were broken up among co-heiresses, and the local organisation of each section of the great estates was increasingly developed. Consequently both the tendency towards centralisation and the tendency towards alienation of traditional rights and properties

[1] For this information I am indebted to Miss Clare Musgrave. See later, iv. 310-311.

[2] For Manton, see later, p. 233, and iv. 154.

were common to king and nobles. Centripetal and centrifugal movements went on simultaneously.[1]

These tendencies were in no wise limited to England. West European civilisation still flowed in a single broad stream, and analogous administrative developments were maturing in all the states with which England was chiefly brought into contact. Inevitably France offers the closest parallels. There was in France the same multiplication of records and officials; the same increasing efforts to execute the laws; the same bureaucratic strengthening of the central authority, and its concentration in Paris even more completely than the English system was centralised in Westminster; the same reduplication of seals and departments, and the same activity on the part of the great feudal states to carry out, according to the measure of their ability, the same process of administrative centralisation which marked the policy of their overlords. Flanders and Brittany, Burgundy and Dauphiné, illustrate with greater thoroughness the process that we have noted in the kingdom of Scotland, the duchy of Lancaster, the principality of Wales, the earldom of Chester and the bishopric of Durham. As the Hundred Years' War made nations of both France and England, so did the reaction from premature centralisation make nations of Scotland, Brittany and Flanders, and extend its influence further eastwards into the imperial lands where corresponding regional nationalities were emerging in Brabant and Holland, in Hainault and Lorraine.

An even more remarkable movement in the same direction was worked out in the Roman curia during the period of the captivity at Avignon.[2] Here, too, was the same multiplication of registers and records, of offices, of diplomatic forms and seals. Above all, there was that universal claim, deliberately made and stubbornly maintained by the papacy, to dispose of all the benefices of the Christian church which a too insular treatment

[1] I have tried to work out these ideas in my papers on "Conflicting Tendencies in English Administrative History during the Fourteenth Century," in *B.J.R.L.* viii. 82-108; and "The Beginnings of a Modern Capital: London and Westminster in the Fourteenth Century," in *Proc. of Brit. Acad.* x. 487-511.

[2] See for this G. Mollat, *Les Papes d'Avignon* (1912), and the same writer's *La Collation des bénéfices ecclésiastiques sous les Papes d'Avignon* (1921). A summary of his conclusions is in *E.H.R.* xxx. 129-130, and xxxviii. 102-105.

of English church history has considered only in its application to our own island. Through this claim the popes accomplished that centralisation of church government which afforded real compensation to the holy see for some decline of its influence over the higher mind and the general affairs of Europe, and enabled it to emerge from the troubles of the schism and the conciliar movement with unbroken front and energies. The result was that with the papacy, as with the secular powers, the administrative developments of the fourteenth century enabled the central government to exert an influence over their subjects beyond the dreams of the saints and heroes of an earlier age. The doctrine of earlier historians that the fourteenth century was a period of feudal reaction against national centralisation in the secular states, and of spiritual and moral decline in the church, expresses doubtless some truth, but only one side of the truth. It is for us to recognise the large compensations which the improvement of administration all over the western world gave to the supreme authority.

The administrative staff during the middle period of Edward III.'s reign enjoyed a security of tenure that illustrates the return to ordinary conditions to which reference has already been made. This same reversion to normality is further indicated by the gradual breaking down of the barrier hitherto differentiating the ministers of state from the ministers of the court. In particular, there is hardly a trace of that antagonism between the two types of officials which had been so clearly revealed to the world in the great duel between Kilsby and Stratford. Promotion from the household to the political offices had always been frequent, but now it became more than ever a matter of course, and the change of status had little perceptible effect on the policy or attitude of the promoted official. Happy results generally followed from this growing unity of purpose among the servants of the crown. There was an increasing tendency towards the building up of a homogeneous civil service within which circulation was unrestricted, and whereby a permanent career was more easily obtainable in the service of the state. Particularly noticeable was the tendency towards making the posts of the household the training ground of professional politicians. Even when dwelling in the king's court, these men were more than courtiers, and, on obtain-

ing political charges, they showed that it was possible to combine their duty to the crown with general sympathy with the episcopal and baronial tradition of independent watchfulness of royal action. When the court officers did not rise to this higher level, they remained personally insignificant, and left little mark on history. Though anti-clericalism as a principle was no longer prominent, there remained a career for lay as well as for clerical talent. This was the inevitable result of the extension of education to circles outside the clerical sphere. There was the education of the court, which made the *miles literatus*, the knight who knew Latin, no longer a rare or an extraordinary phenomenon, as he had been in the reign of Henry III.[1] How far a court training could under Edward III. give a thorough culture to men originating in the middle class of townsmen, and so remote from the clerical profession that the university had nothing to say to them, can well be illustrated by the career of that eminent civil servant, Geoffrey Chaucer. But a highly educated layman, like Chaucer, was still the exception in courtly circles. The real source of the destruction of the clerical monopoly of office was to be found in the excellent education which the law schools of London now gave to the common lawyers.[2] When necessity required the choice of a lay chancellor or treasurer, the king could still only find an alternative to the clerk in a common lawyer. In all branches of the higher service of the crown, the position of the layman was soon as securely fixed as it had always been in the exchequer. It was largely the survival of a strong tradition that still limited the lower ranges of the chancery and privy seal to clerks.

The typical minister of these middle years of Edward III. was William Edington, whose persistent tenure of office went on with hardly a break from 1335 to 1363, and then terminated

[1] See above, i. 288.

[2] It is unfortunate that there is no material for locating the places and personnel of these early schools. The earliest text I have found that associates even indirectly apprentices of the law with what became an "inn of court" is a pardon, dated May 22, 1356, to William Thorp, the younger, apprentice of the common bench, for the death of Hugh Lumbard, "Quystroun," servant of the manciple of the New Temple; *C.P.R., 1354–58*, p. 377. We may infer from this a society of apprentices lodged in the New Temple with servants of their own: but it might be only the case of an individual barrister lodging in the Temple as tenant of the Hospitallers. I have found no certain connection of the law apprentices and the Temple until 1381. See later, p. 369.

at his own request.[1] From 1335 to 1340 as a simple king's clerk, from 1340 to 1341 as collector of the ninth in the shires south of Trent, from 1341 to 1344 as keeper of the wardrobe, from 1345 to 1356 as treasurer of the exchequer,[2] and from 1356 to 1363 as chancellor, Edington is the most striking illustration of the permanency of the Edwardian official and of the stages by which promotion was attained. He had his reward in high ecclesiastical preferment. One of the two coadjutors of Orleton when that prelate was stricken with blindness,[3] he succeeded his old patron as bishop of Winchester in 1346. He retained that great see until his death in 1366, making his episcopate memorable by initiating the reconstruction, or rather the recasing, of the nave of his cathedral, in the new "perpendicular" style with which his successor, William of Wykeham, is more generally identified. Only less important were his erection and endowment of a great collegiate church in the Wiltshire village of Edington, from which he took his name. His magnificence is seen in his foundations. His opportunities and experience speak for his constant enjoyment of the king's favour. His prudence is shown by his voluntary retirement from the chancery, and by his refusal, the year before his death, to accept the offered translation to Canterbury. Yet it is difficult to have any clear grasp of the personality and attitude of this prominent administrator and prelate. The records instruct us as to his official acts, and the chroniclers set down in meagre fashion his preferments in both the political and ecclesiastical spheres. Perhaps the nearest approach to his characterisation is to be found in the jejune pages of John Reading. This Westminster monk speaks of Edington as a friend of the commons during his whole tenure of office, who saved the people from royal extortions, and by his hard work and prudence was able to do much for the profit of king and realm.[4] Vague as is this eulogy, it strikes the right note,

[1] See above, p. 109, where his earlier career is sketched.

[2] Soon after his appointment as treasurer Edington received the large grant of £300 a year, in addition to the usual fee (*I.R.* 332), and continued to draw this sum even after he had become a bishop.

[3] Goodman, *Chartulary of Winchester Cathedral*, p. 223.

[4] *Chron. J. de Reading*, p. 113, ed. Tait. The halting eulogy is the more effective since Reading disliked Edington for his opposing Westminster abbey's claims over St. James' hospital and St. Stephen's chapel; *ib.* pp. 178, 345. Later copyists of Reading changed his phrase into words positively discreditable

for Edington's special merit was his reconciliation of the royal and the public interest. It showed that he had learnt the lesson of the stormy contests during the first years in which he held important office. While Cusance, his predecessor, maintained as treasurer the attitude of the mere wardrobe man, Edington's service in the court did not blind him to the welfare of the state.

Among the instances of this reconciliation of interests, we may safely ascribe to Edington the merit of the second great reform of the currency under Edward III. Edington was only treasurer of the wardrobe, when in 1343 the first currency reform resulted from Edward III.'s important step of meeting the expansion of finance, caused by the great war, by coining gold for the first time since the Norman conquest. He was, however, treasurer of the exchequer when, in 1351, a further advance was made in the same direction by coining silver pieces of greater value than the sterling penny. The issue of groats and half groats (fourpenny and twopenny pieces) was directly attributed by an unfriendly chronicler to his influence, though the chronicler quite unfairly suggests that the new coins were more helpful to the king than to his people, since the smaller proportion of silver in them caused a rise of prices.[1] A modern critic would be more lenient to a king and minister whose war finance was based, not on the substitution of credit for bullion, but on beginning the minting of gold, and extending the minting of silver.

It was during Edington's long treasurership that a blow was given to the system of household administration, as embodied in the revived chamber of the early thirties.[2] This organisation had acquired increased usefulness from the war, and an accession to its revenues from the partial transference to it of the issues of

to Edington. See, for instance, *Chron. Angliae, 1328–88*, p. 29, "qui plus dilexit regis commodum quam communitatis." But even this writer recognises his "magna prudentia." John Reading, moreover, strongly disliked the political bishop, pushed by royal favour into high ecclesiastical office. In the grants made by charter to Edington for the college at Edington in 1359, Edward III. speaks of his "wise and faithful discharge of high office, whereon he was put to much expense and suffered much in health"; *C.Ch.R.* v. 162.

[1] *Cont. Murimuth* in Hog's Murimuth, p. 182 (Eng. Hist. Soc.), "ad magnam utilitatem regis, non communitatis, quia ex post omnia venalia cariora esse ceperunt." The war and the Black Death are negligible as compared with the slight depreciation of the coinage suggested.

[2] See below, iv. 304-305.

the alien priories. But just as in 1322 with the contrariants' lands, so with the alien priories in 1337, the intention was never fully carried out, and after the failure of prerogative in 1341 the chamber ceased to have much expansive power, though its reservation of lands continued until about the end of 1355. There is no evidence that there were any complaints against the chamber on the part of the public. It is, however, clear that the chamber lands had not materially increased the king's resources, and that their administration involved an additional complication to an already cumbrous machine. The assignment of war revenue to special collectors and the tightening of parliamentary control had restricted its operations. As in 1322 and 1327, the chamber's worst enemy was the exchequer, and it was when a specially strong treasurer was in office that the *coup de grâce* was given. A writ of January 20, 1356, instructed treasurer Edington and his subordinates that "all lands, tenements and other things, previously reserved to the king's chamber," were to be reunited to the king's exchequer. The steward and auditors of the chamber met the order by prompt obedience, and all that remained for them to do was to settle up their accounts with the exchequer and disappear from history. In compensation, the chamber was allowed a fixed income from the exchequer, but its administrative capacity gradually shrank, so that even Richard II. made little use of it to further his schemes.

The immediate successors to Edington in the treasury showed that the official type could still be varied. Two Benedictine monks followed the professional servant of the crown, thus presenting a phase of that curious recrudescence of monastic tenure of great offices of state which is an interesting side feature of this reign. The first was John Sheppey, an Oxford doctor of divinity of some repute, in turn monk, prior and bishop of Rochester. He held the treasury for nearly four years, from November 28, 1356,[1] till his death on October 19, 1360.[2] His successor, Simon Langham, abbot of Westminster, who acted from November 21, 1360,[3] added a more distinguished Benedictine name to the list of monastic treasurers. Of him we shall hear again.

[1] *C.P.R., 1354–58*, p. 479.
[2] John Reading, pp. 147, 289.
[3] *C.P.R., 1358–61*, p. 492.

The chancery was continually in strong hands. John Offord, dean of Lincoln, began, on October 26, 1345, the new line of clerical chancellors. He was one of Edward III.'s most faithful ministers, and, jointly with Edington, shared the responsibilities of the government of England during Edward's long absence abroad in 1346–47. He was so much absorbed in administration of state and church that he was forced to neglect the growing judicial duties of his office.[1] A trusted curialist, he was, at the king's instigation, papally provided to Canterbury after Stratford's death in 1348. But he was already in broken health,[2] and died of the Black Death on May 20, 1349, before he could be consecrated. John Thoresby, bishop of St. David's, whose earlier career we know already,[3] succeeded Offord as chancellor, and retained the office from June 16, 1349, to November 27, 1356, when he was released at his own request. He thus ended his official career in the chancery where he had long served so faithfully as a simple clerk. Archbishop of York since 1352, Thoresby added to his early reputation as a politician that of one of the most energetic and successful of the northern primates. His career at York was memorable through the final settlement of the old dispute between the two metropolitans as to the right of the one to bear his cross erect in the province of the other; for the acquisition of the titular "primacy of England" for his office; and for the restitution of his authority over his chief suffragan of Durham. Moreover, his additions to his cathedral rivalled in plan, and surpassed in execution, those of Edington at Winchester. He was succeeded as chancellor by Edington himself, who retained his post until 1363, when, like Thoresby, he obtained relief from the cares of office. In these two statesmen, the political ecclesiastic attained his highest sublimation. There is an essential similarity between them, as well in their policy as in their career.

The loyalty of this class of official had its limitations. Thoresby and Edington were not afraid upon occasion to take up

[1] *C.P.R., 1348–50*, p. 253, gives a curious case of a commission to three clerks to determine speedily whether a clerk who had obtained the church of Brinkworth, Wilts, by papal provision, had the right to that church, "as the chancellor is so occupied with important business that he cannot attend to the decision of the matter." The date is Jan. 28, 1349.

[2] Dene in *Anglia Sacra*, i. 375, describes him as "vir debilis et paraliticus, qui pecuniam magnam undique mutuans, inutiliter papae eam presentavit."

[3] See above, pp. 85-86, 166-169.

an attitude of independence against the king. Thus, when a violent dispute took place between Thomas Lisle, the Dominican bishop of Ely, and the lady Wake, a daughter of Henry of Lancaster, Edward strongly opposed the bishop in the parliament of 1355.[1] Yet, even after that, the chancellor and treasurer joined in passively resisting the royal order to seize the temporalities of the bishop. Edward, on his way to a winter campaign against the Scots, sent a furious letter to his two ministers. "We are much astonished at your excuses," said the king, "we feel well assured that had the affair concerned a great peer of the realm who was not a bishop you would have carried the matter through in a very different spirit." [2] It is interesting to find that Edward still had a touch of the anti-clerical feeling of 1341, and more interesting to see typical "ministerial" bishops taking up a line of their own where the interests of their order were concerned. Two years later, when bishop Lisle's appeal, despite Edward's opposition, had been heard at the Roman Court, Edward and his judges were still sensitive on the matter. A request from a papal official for the transmission of the proceedings in the English secular courts to the curia was so much resented that a papal messenger who ventured to deliver it to the judge of the king's bench who had heard the suit was imprisoned. After that no one could be found willing to run the risk of transmitting letters from Avignon.[3] Yet archbishop Islip, who told this story in a letter to the curia, and supported bishop Lisle throughout the struggle, was an ancient royal official, like Edington and Thoresby. It shows that the king could not put implicit confidence in his clerical ministers when the interests of their order or the rights of the apostolic see were involved. Moreover anti-clericalism always meant anti-papalism, and we shall soon see the serious

[1] *Rot. Parl.* ii. 267. After Blanche Wake had presented her petition, Edward "dist overtement 'jeo prenk la querele en ma main.'"

[2] *A.C.* 56/27, a privy seal to chancellor and treasurer, dated Newcastle-on-Tyne, Dec. 20, [probably 1355]: "Et pensons bien qe si la chose eust touche un grant piere de la terre autre qe evesque, vous ent eussiez fait autre execucion." In conclusion, Edward suggested that the council should deliberate how to effect the seizure without offence to the canon law. No doubt the king's absence gave Thoresby and Edington a stronger position than they would have had in his presence. See for the text of this letter, Dr. B. Wilkinson's "A letter of Edward III. to his chancellor and treasurer," in *E.H.R.* xlii. 248-251.

[3] *Reg. Islip*, ff. 138d-139d. I am indebted to Mr. Edgar B. Graves for this reference.

attempt, made in 1358, to negotiate peace with France, wrecked by a temporary coalition between the militant war party and the enemies of curialistic interference in home politics.[1] All these things link up the anti-clericalism of 1341 with the revived anti-clericalism of 1371. As the clerical minister was still well to the fore, this episode is far from irrelevant to administrative history. And all this happened after the statutes of provisors and præmunire had been passed!

A glance at the subordinate officers of the exchequer and chancery will show the same tendencies that were illustrated by our examination of the treasurers and chancellors of this period. In the exchequer the reversion to clerical officials extended downwards, though it was more slowly and less completely accentuated than in the office of treasurer. Thus Sir Robert Sadington continued to be chief baron until 1350. In 1349, however, he was, in consideration of his long and faithful service, dispensed from the obligation of residence at the exchequer, and allowed "henceforth to be attendant on his own affairs and reside in his own house when he liked for the quiet of his body or his recreation, or for the expedition of his affairs," with power to resume residence at will.[2] This shows that knightly, like clerical barons, were expected to live in the exchequer, whose collegiate character, though less marked than that of clerical offices like chancery and privy seal, was still accepted in principle. Within a year, however, Sadington retired, and his successor, Gervase Wilford, king's clerk, broke for eleven years the long series of lay chief barons that had begun with Sir Walter Norwich under Edward II. He was a life-long exchequer official, who had been treasurer's remembrancer between 1339 and 1341, baron in 1341, and chief baron in 1350. In this high office Wilford, unlike Norwich, resisted all temptations to renounce his clergy and become the founder of a baronial house. When he resigned his post in 1361, he was still a king's clerk. He was then given leave to retire, and from thenceforth to "enjoy his own house and serve God as he desires to do for his life, without exercising any ministry of the king or his heirs."[3] But Wilford was the one

[1] See later, p. 221.

[2] *C.P.R.*, *1348–50*, p. 252.

[3] *C.P.R.*, *1361–64*, p. 11. In 1342 Wilford was already living, and transacting business, in a house of his own in Smithfield; *M.R.K.R.* 118, Commissiones,

exception to the rule. His five successors, like his seven predecessors, were all knights.

The other barons of the exchequer were now preponderatingly clerical. The four secondaries were equally divided, but of twelve barons, appointed between 1344 and 1376, there were ten clerks to two laymen. Moreover, the majority of the lower offices were exclusively staffed with clerks, leaving laymen only for the rougher and less responsible posts. The lay movement in 1341 made no impression in these quarters. Nor did that of 1371. On the whole, then, Edward III.'s exchequer was quite as clerical as that of his father. We have no reason for thinking that the general rule of residence within the precincts of Westminster palace, existing at the end of Edward II.'s reign, was relaxed under his son. When in 1326 the auditors of foreign accounts were made permanent, a special house was ordered to be built for their accommodation, and, pending its completion, they were ordered to lodge within the palace.[1]

The chancery continued to be an exclusive preserve of the clergy.[2] Laymen were only employed in such subordinate avocations as those of the spigurnel, the chaufcire, the portejoie, and in definitely menial posts. Married chancery clerks were debarred from promotion and liable to expulsion. There would have been no need of this threat had not married men been acting as clerks of chancery, and we know that at least once a highly placed chancery clerk was allowed to be married and retain his office. This was John Tamworth, who was already a chancery clerk in 1334, and served for many years as clerk of the crown. He seems to have kept a sort of school for clerks of chancery on probation. At an advanced age he was revealed as a married man, who, on his death in 1374, bequeathed to his widow and children considerable house property in the city and its western suburb. Tamworth's successor as clerk of the crown,

---

etc. Hil. t. 16 Edw. III. In my account of the exchequer I have freely used the researches of Dr. Broome in her Ph.D. "Preliminary investigation of the Exchequer of Edward III."

[1] *E.H.R.* xxxviii. 68-69.

[2] For details and references see my paper on "The Household of the Chancery and its Disintegration," in *Essays in History Presented to Reginald Lane Poole*, ed. H. W. C. Davis, pp. 46-85. See also later, pp. 442-449. See also Sir H. Maxwell Lyte's *Notes on the Use of the Great Seal*, especially Ch. i., "The Chancery," pp. 1-19. I have made large use of Dr. B. Wilkinson's unpublished thesis on "The Chancery under Edward III."

Geoffrey Martin, had a similar allowance for maintaining a household for junior, or probationer, clerks. He, perhaps, was also a married man, and his long services in chancery culminated in his conspicuous part in the Merciless Parliament of 1388.[1] The result of this precedent, or precedents, was that in the next generation the clerks of the crown in chancery were the first chancery clerks officially permitted to marry and yet retain their office.[2] This was the thin end of the wedge. In the course of the fifteenth century, marriage gradually destroyed the clerical monopoly of the chancery. But, saving this exception, the rule of celibacy was retained, in form at least, until the end of our period.

In other respects the chancery staff was exposed to the tendencies we have seen operating in the exchequer. The "household of the chancery" had long been showing signs of disintegration, though the common clerical character of the staff did something to bind it together, even in the days of lay chancellors. But the break-up of the household was furthered by the strictly hierarchical basis on which the office had become organised. Scattered indications, which are all we have to tell us of the condition of the chancery before the reign of Richard II., make it clear that the system which we find in operation in the middle of Richard's reign was already well established by the time of his grandfather.[3] Notably there was a fixed line of

[1] See later, p. 431, n. 2. It is tempting but perhaps illusory to identify him with Geoffrey Martin, clerk of the diocese of Worcester, who in 1354 received, with his wife Beatrice, license to choose their own confessors; *C. Pap. Reg. Let.* iii. 534.

[2] There was more laxity in other branches of clerical service. See, for instance, *C.P.R., 1358–61*, p. 145, for the case of Hugh Aston, clerk of the common bench, a married man, whose wife committed adultery. With their master's "order and assent," seven of Hugh's servants, one a chaplain, seized Ralph de Pipe, the lover of Aston's wife, and castrated him. Both Aston and his servants, "by the king's special grace," received pardon for this outrage.

[3] See later, pp. 442-449, and the references there given. Its origin is still earlier. Mr. G. O. Sayles has kindly shown me a letter in *A.C.* xxviii. 110, which seems the complaint of a chancery clerk, who had not got on, to a chancellor who had once been his comrade in the chancery ranks. The letter is of extraordinary interest, and is published in *S.H.R.* xxv. 109-113. The facts suggest an unsuccessful fellow clerk of John Langton, writing to the latter during his second chancellorship in 1307–10. This date is sufficiently substantiated, to prove that under Edward I. the chancery "magister" already had his assistants dwelling with him in his "hospicium," just as is described under Richard II. This letter has given the final blow to the view I rashly stated above, ii. 218, and strengthened Dr. Wilkinson's contention to the contrary, which I have already accepted: see *Essays in History presented to R. L. Poole*, p. 55.

division between the three grades or "forms" into which the chancery clerks were divided. Already, even under Edward II., there was the select body of the "twelve clerks," with robes and board, paid for by the chancellor or his substitute, out of the "accustomed fee" of the office. These twelve were described as "clerks of the robes," "of the greater grade," "of the first form," or sometimes, alternatively and rarely, as "masters of chancery."[1] These were the "companions" or the "associates" of the chancellor, and were becoming so important that Maitland did not much exaggerate when he called them "under-secretaries of state." Such men were the essence of the *hospicium cancellarie*, and still upon occasion lived together either with the chancellor or elsewhere, and still had their common barge to take them to Westminster Hall or to the chancellor's lodgings for the transaction of business. But they were becoming too dignified and too well-to-do to be content to be members of a quasi-collegiate establishment under their chief, and were beginning to live, singly or in groups, in households of their own. Below them were the "clerks of the second form" of inferior but still substantial dignity. They were also twelve in number, and might, if approved, be promoted to the first form. At a still lower grade were the twenty-four *cursitors* who wrote "writs of course," and were limited to mechanical rather than administrative work. Below these again were considerable numbers of assistant clerks, probationers and servants.

Some general interests still kept together in a self-conscious unity this nicely graded hierarchy of chancery clerks. Besides their common profession, they all enjoyed considerable privileges and immunities, conspicuous among which was exemption for themselves and their servants from all external jurisdiction. It was already, in 1344, an "ancient custom" that the chancellor alone could take cognisance of any offences committed by clerks of chancery and their servants.[2] Moreover, they had a strong

[1] In 1375, Henry Codington, a clerk of experience, was promoted by patent to be "for life one of the clerks of the greater grade, to wit, one of the twelve masters of chancery"; *C.P.R., 1374–77*, p. 82. This is an early case of an appointment of a master *eo nomine*. But as early as 1330 the first grade clerks were called officially "mestres de la chauncellerie"; *Rot. Parl.* ii. 41.

[2] *Rot. Parl.* ii. 154. Compare *C.C.R., 1364–68*, p. 177. In 1365 it was laid down "quod transgressiones factae clericis cancellarie coram cancellario placitentur"; *Foedera*, iii. 769.

sense of corporate feeling brought home by their common residence, if not in a single household, at least in neighbouring houses in the same quarter of London, the "western suburb" which, under Edward III., became the ward of Faringdon Without. So early as 1331, Edward III. ordered that the gates of the New Temple were to be kept open between sunrise and sunset, and the quay giving access to the river repaired, for the passage of his chancery clerks and other ministers wishing to take boat for Westminster.[1] In this same western suburb groups of the "apprentices of the law" had by now acquired sufficient corporate coherence to hire premises of their own for their common abode. There was nothing permanent about the hired houses in which both chancery clerks and apprentices of the law took up their quarters from time to time in that region, and the attempts to see in them the beginnings of various "inns of court" and "inns of chancery" have not proved very successful.[2] But though there was a clear line of division between the lay students of the common law and the clerical aspirants to a clerkship in the chancery, there was enough good fellowship between them for them to have their common sports and distractions.[3]

There is evidence that a common education did something more to promote the corporate feeling of the chancery clerks. There is no reason for believing that the average chancery clerk had received a university training. A few highly trained experts, masters or doctors in civil or canon law, notaries cognisant of the mysteries of "public form," were occasionally brought in from the outside, such as Thoresby himself, or such as Mr. John Brancaster, engaged in 1355 "to serve the king in chancery," and permitted to go on diplomatic missions to the Roman court, or elsewhere, without his status in chancery being diminished by his absence.[4]

[1] *Foedera*, ii. 805; *C.C.R., 1330–33*, p. 102.

[2] The most interesting is the case of Clifford's Inn, "by the church of St. Dunstan in the suburb of London," which was let by the lady Clifford in 1344 to the "apprentices of the bench" for £10 a year; *Cal. Inq. Edw. III.* viii. 385. But these students or practitioners of the common law were ousted in 1346 by a clerk of chancery, David Wooler, whose occupation, although longer, was not continuous. The "Inn of Chancery" called "Clifford's Inn" cannot be proved to be connected with Wooler's tenancy. See later, p. 214.

[3] *C.C.R., 1374-77*, pp. 210-211.

[4] *C.P.R., 1354-58*, pp. 168, 183. The rarity with which a chancery clerk is called "magister" is sufficient proof of this statement. See for more details on all these subjects, later, pp. 442-449.

But the only way of training which the Middle Ages recognised was apprenticeship under a master, and it looks as if the school for would-be chancery clerks, which John Tamworth kept, received official recognition. It was certainly continued after his death. Other chancery clerks maintained pupils in the same way, and it is far from impossible that the institutions later known as "inns of chancery," used as preparatory schools for common lawyers, owed their origin to the systematic instruction given in these earlier "schools" in the nature and drafting of writs. Such instruction proved so attractive to students of the common law that they seem to have crowded out the candidates for chancery clerkships, and so assured for the schools their later character.

Under these conditions the corporate sense of the clerks of chancery was kept up, though with some difficulty. Yet there is no evidence in England of any movement parallel to the erection of the confraternity of the royal secretaries and notaries in France in 1352.[1] This was the less necessary in England, because the system of a separate secretariat for each office of state was already fully established. Yet even here the sense of corporate feeling and common interests as servants of the crown was beginning to make itself felt above the separatist interest of the individual office. The ease with which civil servants of the crown were transferred from one office to another is, as we have often had occasion to remark, a special feature of Edward III.'s reign, and strengthens the idea of a single service. We can no longer with safety study any individual department out of relation to its fellows.

If the *hospicium cancellarie* was in practice broken up into various sectional households, one of them at least gained homogeneity and a permanent abode as the fourteenth century grew older. This was the household of the keeper of the rolls of chancery, the most important of the chancery clerks, the natural substitute for the chancellor in keeping the whole *hospicium cancellarie* during the absence, vacancy or inability of the chancellor, and himself the head of a group of six clerks especially assigned for the service of the records. Its association with the whole office might have become more intimate had Edward III. followed upon the precedents, set by his father and grandfather, of combining the keepership of the rolls with the keepership of

[1] Morel, pp. 100-113.

the *domus conversorum*, by which the spacious premises, barely required by the few Jewish converts and their chaplains who inhabited them, were substantially at the disposal of the keeper of the rolls for chancery purposes.[1] But between 1324 and 1371, there were only two brief occasions when the two keeperships were held by the same person, and only one when they were combined by the same person at the same time.[2] During this period other homes had to be found for the keeper of the rolls and his clerks. Thus in 1345 David Wooler, who had recently succeeded Thoresby as keeper of the rolls, took a lease of Clifford's Inn, the town house of the Cumberland Cliffords, and available because of the nonage of the heir. This house, immediately south of the House of Converts, was the same house that lady Clifford had let in 1344 to the apprentices of the bench, whose tenancy, therefore, was extremely brief. Wooler may have been still holding it in 1362 when he alienated a messuage as a manse for the rector of St. Dunstan's in the West. It is interesting that he had intimate business relations with Henry Ingelby, then keeper of the House of Converts, and that when Wooler died Ingelby was one of his executors. But a few years later Ingelby resigned, and William Burstall, a chancery clerk, recently made keeper of the rolls, was also made keeper of the converts. Burstall took his charge in earnest, and, finding the *domus conversorum* falling into rack and ruin, elaborately restored it at his own expense. He had his reward when, in 1377, the two keeperships were permanently joined together.[3] Accordingly the House of Converts became the *hospicium custodis rotulorum cancellarie*, a place for housing the clerks of the department, and for the storage of some of the chancery archives. In the sixteenth century, Lambard described it as "the college of the chancery men."

[1] Adam Osgodby, keeper of the rolls from 1295 to 1316, was also keeper of the "domus conversorum" from 1307 to 1316, and his successor, William Airmyn, combined both posts from 1316 to 1324.

[2] Richard Airmyn, keeper of the rolls from 1324–25, was made keeper of the converts for life in 1327, and remained in office till 1339. John of Saint-Pol, keeper of the rolls since 1337, was then made keeper of the converts in 1339. John was, as we have seen, removed from his chancery post in 1340, but his keepership of the converts being for life, remained a non-resident keeper till 1350. His successor, Henry Ingelby, clerk of the privy seal, was not even a chancery clerk, though in close alliance with some of them. He remained in office till 1371. He is spoken of as keeping on one occasion the "hospicium privati sigilli." See for him later, v. ch. xvi. [3] *C.P.R., 1374-77*, p. 451.

At least it afforded the keeper and the rolls department a permanent home. Thus the process began which made the House of Converts the modern Public Record Office, when legislation extended to the keeper, later called master, of the chancery rolls the custody of all the archives of the crown.

The family character of the society was enhanced by the facility with which a prosperous chancery clerk could obtain places in the office for his kinsfolk.[1] A complicated series of official families seem to have owed their origin to kinship with, or patronage of, archbishop Melton of York. For a century there was a numerous clan of Ferribys, the first of whom, the Richard Ferriby of Edward II. and Edward III.'s period, started life as Melton's household clerk. There were still Ferribys faithfully serving the crown when Richard II. lost his throne and his life. Another family which enjoyed Melton's kindly patronage was that of the Thoresbys. Thus archbishop John Thoresby started on his career as a clerk in chancery as the confidant of Melton.[2] While he was keeper of the chancery rolls, his brother, Richard Thoresby, became in 1345 keeper of the hanaper and retained that office till 1357. The hanaper then passed to Richard Ravenser, who held it from 1357 to 1379, when he handed it on to John Ravenser, his kinsman, probably his brother, who held it from 1379 to 1393.[3] The two Ravensers were connected by marriage with archbishop Thoresby. John Ravenser's successor was William Waltham, who remained at the hanaper from 1393 to 1399. This William was brother of the successful chancery clerk, John Waltham, bishop of Salisbury, whom we know to be a grand-nephew of archbishop Thoresby.[4] It follows that for

[1] See below, p. 248, notes 1 and 2, and p. 261, for similar "exchequer families" of the Brantinghams and Chesterfields.

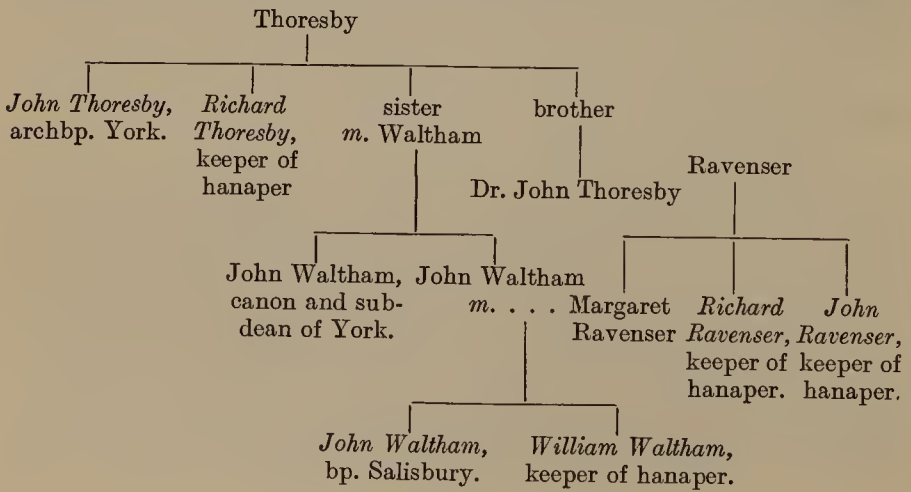
[2] Prof. A. Hamilton Thompson tells me that there is no proof of any kinship between Melton and Thoresby.

[3] *C.F.R., 1377–83*, p. 130, the patent of appointment which officially recognises the transference by reciting that Richard, being otherwise employed in the chancery, firmly resolved to resign the office to the intent that John of Ravenser, his kinsman, may hold it, and that the king, being truthfully informed that the said John is an able person and of good behaviour, has granted him the same office.

[4] The family relations between the Thoresbys, Walthams and Ravensers have been carefully studied by Prof. A. Hamilton Thompson, notably in his paper on the preferments of bishop John Waltham in *Yorkshire Archaeol. Journal*, xxv. 257-260. Mr. Thompson has also kindly supplied me with an elaborate note which adds to, and in one important respect corrects, his published article. It is clear that all three families came from Lindsey. The

sixty-five years close kinsmen of a lucky chancery clerk had charge of the hanaper by quasi-hereditary right. Other official

Walthams took their name from Waltham, a few miles south of Grimsby, where John and Margaret, father and mother of bishop John Waltham, were buried, as is proved by the surviving inscription on their tomb; *Arch. Journal*, vii. 389. The Thoresbys came, in all probability, from North Thoresby, a few miles further south, and despite their East Riding name, the Ravensers were without doubt also established in Lindsey. In 1353 archbishop Thoresby procured a canonry for his nephew John Waltham (*C. Pap. R. Pet.* i. 245), who has generally been considered to be the future bishop of Salisbury. But Mr. Thompson identifies this nephew with an elder John Waltham, uncle of the bishop, who became canon and subdean of York and was Thoresby's executor. This Waltham died in 1384, and speaks in his will of a brother also named John who was his executor; *Testamenta Eboracensia*, iii. 58; for the lay John's difficulties in carrying out the subdean's will, see *C.P.R., 1385–89*, p. 442. This second John, Mr. Thompson believes to be the John Waltham buried at Waltham, and the father of the bishop. This would make the bishop the great-nephew of Thoresby and the nephew of the subdean. That being so, it seems likely that the lay John Waltham, brother of the subdean, married a sister of Thoresby, and that Margaret Waltham, buried with her husband, was a Ravenser, the sister of the two brothers Richard and John Ravenser. We know that John Ravenser (d. 1391) was uncle of bishop John Waltham (*Test. Ebor.* iii. 54, 56-57; Gibbons, *Early Lincoln Wills*, pp. 68, 142), and therefore also of William Waltham who was the bishop's brother. Both brothers had preferment in the diocese of Lincoln, Richard as archdeacon of Lincoln, and John as prebendary of Caister in Lincoln cathedral. Bishop Waltham, moreover, recognised as his kinsman an illegitimate member of the Ravenser family, Thomas Ravenser, bachelor of both laws; *C. Pap. R. Let.* iv. 333. Mr. Thompson has shown me a great number of converging facts proving how the three families combined to found family chantries and execute wills, and how all were recipients of the archbishop's bounty. Richard Thoresby, keeper of the hanaper, was the archbishop's brother. His certain neighbour, and not impossible kinsman, was his predecessor as keeper of the hanaper from 1340 to 1345, William Ravendale, whose name derives from a village in the Wolds, a few miles west of Thoresby and Waltham. A possible, but somewhat conjectural, pedigree may make the complicated relationships clearer. I therefore give it for what it is worth. Chancery clerks' names are in italics.



families have been already suggested by such names as those of the Stratfords[1] and Northburghs. It is clear, then, that John Thoresby, a scrupulous and fair-minded official, was not unique in being mindful of his kinsfolk's interests.[2]

The chancery was perhaps the most self-contained of the government offices, but promotion from it was not impossible. The promotion of John of Saint-Pol from the English office to the chancellorship of Ireland does not stand alone.[3] A chancery clerk could retain his position in the English chancery when sent to work elsewhere, as, for instance, when a chancery clerk "freely" consented to serve for a time in the make-believe chancery and chamberlainship of the portions of Scotland under Edward III.'s control, a region soon almost narrowed down to Berwick-on-Tweed.[4] Moreover, as we have seen,[5] lords of greater franchises, such as the dukes of Lancaster, were glad to borrow the clerks of the king's chancery, who, on accepting office, prudently obtained a promise from Edward that their prospects and status should be in no wise impaired by their acceptance of office under another lord. This was but one of the innumerable instances of the facility with which civil servants could change not only from one office to another under the crown, but could combine the service of the crown with the service of a crown vassal. There are an equal number of instances of the opposite process of transference from a mesne lord to the service of the crown. In the fourteenth century it was both easy and customary for one man to serve two masters.

The staff of the household offices, including that of the privy seal, will be later treated of in detail and need not long detain us here. The chief difficulty in characterising the officers, office by office, is the increasing tendency for promising officials to be translated from one office to another. But speaking roughly we are struck with the mediocrity of the household clerks, especially in the wardrobe. Of the clerical holders of high wardrobe posts

[1] Compare above, pp. 40-43, for the hold of the Stratfords on the chancery in the previous generation.

[2] Another nephew of John Thoresby was John Thoresby, doctor of canon law, who lectured on canon and civil law at Oxford some years before 1364, and was nominated by his uncle to various benefices; *C. Pap. R. Pet.* i. 245.

[3] See above, p. 159, n. 2.

[4] *C.P.R., 1348–50*, p. 493. Compare p. 212, above, concerning Mr. J. Brancaster when at the papal curia.

[5] Above, pp. 197-198.

between 1345 and 1360, only one obtained distinction in the church, and not one an exalted position among the chief ministers of the crown. The nearest approach to an exception was John Buckingham, who, in some measure as keeper of the privy seal and much more as bishop of Lincoln, obtained his place among the important men of the reign. Buckingham's long career is worth study as illustrating the varied course of a successful professional administrator under Edward III.[1] We know little of his doings until, in 1347, he was brought into the king's service as chamberlain of the exchequer of receipt, appointed by the earl of Warwick.[2] Thence he was transferred to the keepership of the great wardrobe, a post which he held from 1350 to 1353.[3] He was then brought into the wardrobe of the household, first as its controller and soon afterwards as its keeper.[4] After seven years of service in the wardrobes, he went back in 1357 to the exchequer as a baron. There he remained until in 1359,[5] on Edward III.'s departure to France accompanied by the privy seal and its keeper Winwick, Buckingham was made keeper of the privy seal of the regent, Thomas of Woodstock. This office he apparently held without formally abandoning his chamberlainship of the exchequer.[6] Soon after the king's return in 1360, he succeeded Winwick as keeper of the privy seal and served in that capacity until 1363.[7] He was in such favour with the king that pressure was brought to bear upon the pope to raise him to a bishopric. An attempt to make him bishop of Ely in 1361 was quashed by the pope, but in 1363 he was made bishop of Lincoln. We shall hear later how Urban V.'s hesitation as to his fitness was overcome, and how he ruled his diocese for nearly thirty-five years.[8]

With the exception of Buckingham not a single wardrobe clerk obtained a bishopric for over fifteen years. Though few

[1] His life in the *D.N.B.* (under Bokyngham) is excellent for his ecclesiastical career, but is practically silent about his long service to the crown in the exchequer, the wardrobes and the privy seal.

[2] *M.R.K.R.*, 123 Communia, Easter t.

[3] See later, iv. 383.

[4] See later, iv. 133-135.

[5] He was appointed Apr. 4 and admitted Apr. 18, 1357; *C.P.R., 1354–58*, p 522. *M.R.K.R.* 133, brev. dir. bar., com., Easter t.

[6] He was paid wages as baron for Easter term 1360; *I.R.* 401, under Aug. 3.

[7] For his relations to the privy seal, see v. ch. xvi.

[8] See later, pp. 254-255.

wardrobe clerks held the same office for any prolonged period, they normally had long careers within this department, where they mounted up from grade to grade with striking regularity. Even the chamber clerks became less interesting after the period of war came to an end, and no further notable names occur among them. The lay officers of the household were men of greater influence and personality, and of some of them we shall hear again. One steward, John Grey of Rotherfield, attained almost a record, in holding his office for over nine years between 1350 and 1359, and then only vacating it by death.

The best known names occur at the privy seal, now essentially dissociated from the household. That was the office which opened up a straight career to talent or useful service, and surpassed even the older offices of state, the chancery and treasury, in giving great prelates to the church. For the ten years between 1345 and 1355, each keeper of the privy seal became an archbishop, or at least the bishop of an eminent see. Thus Hatfield (1344–45) went straight from the privy seal to Durham; his two successors, Thoresby (1345–47) and Islip (1347–49), became archbishops of York and Canterbury, and Michael Northburgh (1350–53) was in his turn elevated to the see of London. No such promotion attended Thomas Bramber (1355–56) nor John Winwick (1356–60). But Bramber got into trouble with the pope in 1357, which accounts for his failure to receive advancement, and died obscurely not later than October 1361.[1] A similar early death alone prevented Winwick, one of the strongest officials of his age, from receiving high preferment, but Buckingham, who succeeded him, procured his bishopric in due course, as we have already seen.

This succession is the less remarkable since it was now a matter of permanent policy for the crown to procure bishoprics for its clerical ministers. So far Edward III. had had little difficulty in securing such posts for them, through his influence on the chapters and the popes. Thus Thoresby went in succession from St. David's (1347) to Worcester (1350), and thence two years later to York. Offord, after years at the chancery, secured

[1] He was alive on May 16 (*C.P.R., 1360–63*, p. 30), but dead before Oct. 24 (*ib.* p. 99). For his relations to Innocent VI. see the papal letter in Delachenal, *Hist. de Charles V*, ii. 387. Though no longer keeper of the privy seal, the pope still called him "clericum tuum secretarium."

nomination to Canterbury.[1] His successor, Bradwardine, though less conspicuous among the king's clerks, had a higher claim to the primacy by reason of his theological writings, and not even his horror of simony prevented his succession to Offord, though in a few weeks he, like Offord, was swept off by the Black Death.[2] Islip went straight from the privy seal to the archbishopric, and was lucky enough to survive for seventeen years. Though the prelates were of varying merit, it looks as if their promotion were based upon the simple principle, believed at St. Albans to have been laid down by Clement VI., touching their predecessor in the same path, Thomas Hatfield. Of him the pope is credited with the dictum, "Had king Edward supplicated for an ass to be made bishop, he would have got his wish on this occasion."[3] The departure of later popes from that simple plan caused constant friction between the papacy and the crown.

Bishop Lisle's promotion was for years a source of contention, and there was also difficulty concerning Thomas Bramber.[4] Much embittered correspondence passed between Innocent VI. and Edward, in which the pope posed as the protector of the poor from the extortion and violence of the king's unruly *familiares*, and persisted in inflicting ecclesiastical censures on the sometime keeper of the privy seal. The situation became so tense that Innocent sternly rebuked the king for the impropriety of his language, and advised him to take more trouble in supervising the letters sent out in his name.[5] When such feelings moved the apostolic see, advancement of Edward's ministers in the church can hardly be regarded as foreign to administrative history.[6]

[1] See above, pp. 152, 159, 160-161.

[2] "tam in curia quia symoniam in remunerandis personis ibidem committere noluit . . . lacessitus"; John of Reading, p. 112.

[3] *Chron. Angl., 1328–88*, p. 20. Some cardinals had objected "dictum Thomam fuisse levem et laicum." Murimuth, p. 172, relates that the appointment was made "non sine precibus ac muneribus."

[4] See above, p. 219.

[5] Delachenal, *Histoire de Charles V*, ii. 387–390, prints from the Vatican Registers an illuminating letter of July 17, 1357, from Innocent to Edward III. The pope suggests "ut prudenter consideres utrum stilus litterarum ipsarum affectum redoleat reverentie filialis . . . In quo, licet scriptoris potius notemus incuriam . . . sic scriptorum tuorum debes scripta perspicere ut in eis aliquid praeterquam honestum et grave nequeat reperiri."

[6] For other instances of similar trouble between king and pope ,see later, pp. 254-255.

In these years of stabilisation, parliamentary history is of little importance to the administrative historian. The chief interest of the years 1358 and 1359 is diplomatic, but the ill feeling between England and the papacy led to a remarkable outburst of anti-clerical feeling in the English parliament which wrecked the treaty virtually concluded between the captive John of France and Edward III. The reasonableness of the terms of this first treaty of London [1] is shown by its anticipating in nearly every respect the treaty finally concluded at Brétigni two years later, but the alliance of the war party with the anti-clerical party in the parliament of February 1358, ruined its prospects on the English side.[2] When, in 1359, John reluctantly accepted the hard terms which alone satisfied English public opinion, the French estates in their turn refused to ratify their captive sovereign's act.[3] Accordingly, Edward resolved on an active appeal to arms, and most of 1359 was taken up in equipping the new expedition, by whose aid he hoped to compel the French on their own soil to acquiesce in the terms of the second treaty of London. By great efforts a considerable force was raised, which, headed by the king, crossed over to Calais at the end of October. Between October 28, 1359, and May 18, 1360, Edward was officially absent from his kingdom. During that period there was fought the campaign which resulted in the treaty of Brétigni, and the consequent ending of the great war. Our only concern here with these events is in their bearing on administrative history. We must, therefore, concentrate our attention on the provisions for the government of England during the king's absence, on the preparations for the campaign and the direction of its course, and on the negotiations preceding the treaties by which it was terminated.

[1] Of this dimly suspected treaty M. Delachenal, in his *Histoire de Charles V*, ii. ch. ii., has given the first well-documented and coherent account, and has published a draft of its terms in *ib.* pp. 402-411. M. Delachenal is by far our best guide to all the relations of the two countries up to and beyond the treaties of 1360.

[2] Unluckily the roll of this parliament is not extant, but the testimony of the chroniclers and that of king John himself, printed in Delachenal, ii. 400-402, make the facts certain. The parliament sat from Feb. 5 to 27, 1358; *Lords' Reports*, i. 494.

[3] The second treaty of London of March 1359 is printed in Cosneau's *Grands Traités de la Guerre de Cent Ans*, pp. 3-32. The French part of the "great indenture," containing the terms, was sealed by Edward III.'s privy seal, then in Winwick's custody.

The administrative arrangements were like those adopted upon similar occasions, but they were carried out with a more rigorous logic than before. There was, in substance, to be a complete double government, one part for England, the other for the royal household and the army in the field. For the government of England, a keeper of England was appointed on October 13, 1359.[1] He was Thomas of Woodstock, the king's fifth surviving son, a boy of less than five, who owed his position to the fact that his four elder brothers were to accompany their father. A section of the council was appointed to give him advice. It included Edington, the chancellor, and Sheppey, the treasurer, who both established themselves in London, where the whole of the exchequer staff and a considerable proportion of the chancery clerks remained. The great seal was to go abroad with the king, and the old seal of absence, disused since chancellor Offord's time, was released from the exchequer and handed over to Edington by David Wooler, keeper of the chancery rolls, who had previously taken the great seal down to Sandwich to the king. On October 14, the chancellor solemnly opened the bag in which the seal of absence was enclosed, and sealed writs with it at the marble table of the chancery in Westminster Hall.[2]

The regency had thus its chancery and exchequer, each with its appropriate seal. But the privy seal was by this time so much an office of state that it was thought inconvenient for the regency not to have a privy seal of its own. Accordingly, when Wooler went down to Sandwich he took with him, besides the great seal, a newly made small seal,[3] appointed to be the privy seal of the regent. This seal Edward, on the same day, delivered to John Buckingham, who therefore was relieved of his duties as baron of the exchequer. With these symbolical acts the regency began in fact. It began in law on October 28, the day on which Edward crossed from Sandwich to Calais.

Thus the regency was equipped in every department, John Buckingham being fully possessed of the powers and enjoying the status of the keeper of the privy seal, and having at least two clerks in attendance upon him, one of whom was John Welwick the notary, and another was John Bamburgh.[4] His

[1] *Foedera*, iii. 451.
[2] *Foedera*, iii. 452.
[3] For details, see vol. v. ch. xvi.
[4] *I.R.* 403/41.

position as the third minister of state was much more formal than that of Islip had been when he kept the privy seal of the regent in 1346–47.[1] He received wages from the exchequer, and although they were only a mark a day, while the king's keeper received a pound, they represented the old salary of the normal office.[2] The result of all this was that the home administration suffered no breach of continuity. The chancery records show little trace of abnormality. The writs issued at home *teste custode* take their due place on patent, close and fine rolls, but their warrant, when a warrant is given, is generally "by guardian and council." There is little evidence that any of them were warranted by writ of the guardian's privy seal,[3] and it looks as though that seal was not very active.

Under such conditions, the ministers and council of the little keeper governed England in perfectly normal fashion, and with a minimum of external influence. The chancery remained at Westminster, though many of its writs were sealed at Woodstock, Reading and Windsor, where the regent usually held his court. The exchequer worked peacefully, undisturbed in a year of fighting by the collection of extraordinary supplies, letting debts accumulate to be paid later when need demanded.

Once only was there a wave of excitement. This came in February and March, on the rumour of a threatened French invasion. The regency went back to ancient precedents by summoning an informal parliament to meet in sections at different centres.[4]

[1] See above, pp. 165-166.

[2] Though appointed on Oct. 11 (*Foedera*, iii. 452), Buckingham's wages only began on Oct. 28, on the king leaving England. They ran on continuously until the king's return on May 18, 1360; *I.R.* (34 Edw. III. Easter t.) 401/25. Buckingham, as the regent's keeper, received his wage directly from the exchequer. Winwick received his "per manus custodis garderobe," that is really from the exchequer but nominally through the wardrobe.

[3] An occasional writ "teste rege" occurs in the midst of those "teste custode," and only one charter was issued "per manum custodis"; *C.Ch.R.* v. 166. The only writs dated abroad are in *C.P.R., 1358–61*, pp. 328-329. Six such writs are enrolled by themselves on m. 35—the dorse is blank—with the heading, "Be it remembered that all letters patent in this first roll were sealed after the king's coming to England from beyond the seas by his command under the dates contained in them." This means that they were sealed several months later than they were drafted—another warning not to take the dates of writs too literally.

[4] *Foedera*, iii. 468-469: the centres were Westminster for the east and south-east; Worcester for the west; Taunton for the south-west, and Lincoln for the north midlands. The north was not summoned; the Scots war was still its special concern.

From these bodies, and the clergy, the necessary supplies of men and money were obtained; and the French, who had made a half-hearted landing at Winchelsea, were easily repulsed. The captive king John, who had been sent to Lincolnshire as a precaution, was brought back to London. The only disturbance of routine was the deflection of Buckingham from the custody of the regent's privy seal to escorting the king of France on his way to the south,[1] and the hasty clearing out of the chancery rolls from their normal place of deposit in the Tower, to make room for John within the citadel.[2]

The ministry that followed the king abroad was equally self-contained, and almost as independent of home pressure as the home administration was undisturbed by direction from abroad. The main source of this administration beyond the seas was the king's wardrobe, which, with all its officers, clerical and lay, and all its staff, followed the king in his constant wanderings from Calais to Reims, from Reims to Burgundy, from Burgundy to the gates of Paris, and thence to the Beauce, where the provisional form of the great peace was granted at Brétigni-lés-Chartres. We are fortunate in having the detailed wardrobe account for all this period, and beyond it to the final negotiations which resulted in the acceptance of the definitive treaty at Calais in October. This account was the work of the new keeper, William Farley, and ranges from his appointment on November 3, 1359, soon after the king had crossed the seas, to his resignation on November 7, 1360.[3] As it will be studied with more particularity in a later chapter,[4] there is no need to say much about it here. But even more than the important wardrobe accounts of the early years of the war, Farley's account covers so wide a field that it is an indispensable authority alike for the story of the campaign, the constitution and movements of the army, and for the conduct of the negotiations which led to peace. As the official record of the king's overseas administration, its evidence cannot be neglected in a general survey of the administrative history of the reign.

It is clear that the whole household staff went over with the king, and that its members acted as a ministry of finance and of

[1] *Foedera*, iii. 470.
[2] *Ib.* iii. 485.
[3] *E.A.* 393/11.
[4] See below, iv. 138-141.

supply during the whole of the operations. As on earlier occasions, the officers, clerks and laymen were attended by their large *comitiue*, for whom and for themselves they received their *vadia guerre*, *rewardum*, *passagium*, *repassagium* and *restaurum equorum*. The chief clerks, Farley the treasurer, Clee the controller, Brantingham the cofferer, were all there, and Brantingham's work, as paymaster and treasurer of the army, gave him virtually the position of a treasurer beyond seas, and directly prepared him for his later responsibilities as treasurer of the wardrobe and then of the exchequer. Only less conspicuous were the parts played by Guy Brian, the steward, John Charlton, the chamberlain, and John Chandos, the vice-chamberlain, men whose military record pre-eminently fitted them for such posts at such a time. Under these conditions, the administration of the *hospicium* became a minor consideration. The whole expense of the *hospicium*, charged in Farley's account, reached only £8500 for over a year, as compared with the heavy expenditure on war wages and other military charges, involving a debt of over £31,000 despite a gross receipt of nearly £130,000.[1] Yet large as these figures were, they were not excessive, as compared with those of early Edwardian expenditure, and suggest either a more modest equipment or a more thoroughgoing living on the country in which the war was waged.

More important for us is the work of the non-household element, temporarily attached to the household as the unifying factor of the war administration. We have to go back to the early Netherlandish campaigns to find that element as large or as important. The only office we miss is the chamber, so conspicuous a partner before. While the household itself served as the royal treasury, a secretarial department was supplied by the union of a section of the clerks of chancery [2] with almost the whole privy seal staff, both these offices thereby being again under household conditions and control. Winwick was there, like another Kilsby, having in his custody both the great and the privy seals.[3] The result was that every form of writ could be issued abroad as well as at home. In contrast with 1338–40, there was no com-

[1] See iv. 144-146. [2] For instance, John Brancaster, see later, p. 226.

[3] *I.R.* 397/31 shows a grant to Adam Hilton, John Brigham, William Tirrington and William Dighton, "in auxilium apparatus sui pro passagio suo in comitiua domini regis versus partes transmarinas."

munication between the foreign and home ministers, and there was not so much as a suggestion of that intense rivalry between them, which had wrecked the Netherlandish campaigns, and had brought about the ministerial crisis of 1341.

With the beginnings of negotiation, Winwick's mixed staff of chancery and privy seal clerks and secretaries came to the fore. Although their names are absent from the only printed copy of the treaty of Guillon with the duke of Burgundy, it is to them and to some of the senior magnates, such as Henry of Lancaster,[1] we may safely ascribe the chief share in negotiating and drafting the treaty which was sealed at Brétigni on May 8, 1360.[2] In the text of that treaty, at least in the French version, Winwick figures, as Kilsby figured twenty years before, as "chancellor of the king of England," a natural enough mistake in describing the man who "kept" both the great and the privy seals of his master. Winwick and five clerks were the only non-warriors whose names are mentioned among the English negotiators of the treaty. Of these five, one, John Brancaster, we know to have been a notary attached to the chancery, and two others, Mr. Henry Ashton and Mr. William Loughborough, we may suspect to have been chancery clerks.[3] The other two, Adam Hilton and William Tirrington, we know to have been clerks of the privy seal, and both of them were, like Brancaster, qualified notaries. This little band supplied the necessary technical skill on the English side, the notarial form of the treaty being due to Brancaster, according to the French official chronicler.[4] The negotiations, begun on May 1, were ended within eight days, a speed most creditable to the diplomatists on both sides, and only intelligible by reason of the cognisance, certainly on Winwick's part, and no doubt on the part of duke Henry who had assisted in the earlier negotiations, of the treaty

[1] Froissart, vi. 4.

[2] *Foedera*, iii. 487-494. *Grandes Chroniques de France*, vi. 174, says rightly the complete number of negotiators was 22. There Ashton is described as doctor of laws, Loughborough as doctor of civil law, Hilton as clerk and notary apostolic and imperial, and Brancaster as clerk of the diocese of Norwich, notary apostolic and imperial. M. Delachenal, *Hist. de Charles V.* ii. 193-201, gives the best modern account of the negotiations. He follows the *Grandes Chroniques* in calling Winwick chancellor. Winwick even "received attorneys" abroad, for writs issued at home; *C.P.R., 1358–61*, p. 351.

[3] *Foedera*, iii. 494. Loughborough was already a doctor of civil law in 1354 *ib.* iii. 285.

[4] *Gr. Chron.* vi. 174.

of 1358.[1] The treaty of Brétigni was the crowning achievement of Winwick's career. After May 31 he withdrew from court, and on July 1, Buckingham, the keeper of the privy seal of the expired regency, became keeper of the privy seal of the king. Soon Winwick's death cut short a career which might well have led to greater things.[2]

Edward hurried back to England as soon as the negotiations at Brétigni were completed, landing at Rye on May 18, 1360, accompanied only by his *secreta familia*. The majority of the household was therefore left in France. But the absence of the wardrobe staff from the king's immediate household was apparently so inconvenient that, within a few days of his return, Edward appointed another keeper and controller, William Ferriby and Hugh Segrave, with a sufficient complement of clerks, presumably, to act in England. Thereby the principle of an administration divided into English and foreign sections was further extended. This temporary expedient was found so useful, as events fell out, that it was continued until Farley's return from France and retirement from the wardrobe in the following November. The step was unusual but the reason for it is obvious, and the accounts of Farley and Ferriby together afford fairly complete information relating to the activities of the wardrobe during these months.[3]

The provisional treaty agreed upon at Brétigni had been negotiated between the king's sons, and now had to be supplemented by a more detailed agreement between the two kings. This was to be concluded by a conference at Calais, when the statesmen of both nations had settled the conditions to be embodied in the final treaty. King John was transferred to Calais in July, but it was not until October that the arrival of the English king and his court allowed proceedings to open.

Again so large a part of the English administration crossed the channel that there was something like another duplication of the government.[4] Though a formal regency was not set up, a certain amount of autonomy had perforce to be permitted to that section

[1] See above, p. 221.

[2] *E.A.* 393/11, f. 62, records Winwick's receipt of £1 a day "extra curiam" from May 31 to July 12. He probably died somewhere about the latter date.

[3] The problems involved are discussed in iv. 146-150.

[4] The expenses, accounts of "nuncii," collected in *E.A.* 314/1-12, fully illustrate the gradual assembly of the magnates there. See also Delachenal, ii. 241.

of the chancery left in England. Edington and his clerks by no means limited themselves to the work connected with the treaty, and a considerable stream of normal chancery writs emanated from Calais during the two months and a half Edington was established there. Most of these were enrolled, not in the usual place, but on the French roll, and on three special rolls called the "rolls of Calais" and the roll "of the treaty of peace."[1] At the same time the chancery clerks at Westminster were also transacting a good deal of business. Their temporary head was David Wooler, who "kept the inn of chancery during the absence of the chancellor at Calais on the king's service," and was therefore allowed the proportion of fees of wine and wax that went to the said inn.[2] The result was that a reasonable number of writs, many of them warranted by privy seal, were issued from Westminster, and enrolled quite normally in the chancery rolls. Only one writ dated at Calais is enrolled on the patent, close or fine rolls.[3] It seems as though the chancery had become so perfect a machine that it would work automatically in the absence of king, chancellor and seal.

The negotiations at Calais were largely in the hands of the persons who had framed the treaty of Brétigni. The wardrobe again played an important part, though there were more household clerks at Brétigni than at Calais. It may be significant that the witnesses to, and the participators in, the numerous documents issued relative to the revised treaty, were almost entirely warriors and magnates. The chancellor, bishop Edington, was there himself with the great seal,[4] to take the place Winwick had occupied at Brétigni, though Buckingham, Winwick's successor, was also present with most of his clerks.[5] So, too, were Brancaster

[1] Now called *Treaty Rolls*, 40, 41, 42, 43.

[2] *C.C.R., 1360–64*, p. 82. This was between Aug. 24 and Nov. 7, "on which day the chancellor first kept the inn on his return, namely 75 days." It is not unlikely that Wooler "kept" the inn at Clifford's Inn, which had been for some years in his possession; see my "Household of the Chancery" in *Essays in History presented to R. L. Poole*, p. 69.

[3] *C.P.R., 1358–61*, p. 463. This is dated Calais, Oct. 15, and is also "by privy seal."

[4] Edington was 75 days at Calais, from Aug. 25 to Nov. 7; *E.A.* 393/15, m. 5. The treasury was rendered vacant by the death of bishop Sheppey on Oct. 19, and no successor to him was appointed until after the king's return from Calais in Nov. 1360.

[5] *I.R.* 407/26, shows he was paid on Aug. 8 before he started, "pro expensis suis eundo versus Caleys pro tractatu pacis."

the notary, who reduced some of the results of the deliberations to "public form," [1] Adam Hilton, the other privy seal notary, and William Loughborough. Among those who had not been at Brétigni were John Carlton, a veteran of the privy seal, now released from office but still serving on the king's council, and two rising men, John Barnet, archdeacon of London, described as "sire en lois," [2] two years later to become treasurer of the exchequer, and William of Wykeham, then a chamber clerk of special importance, who afterwards succeeded Buckingham at the privy seal.[3] The presence at Calais of all these, and of similar experts to represent France, was noted by English chroniclers, generally indifferent to all but battles and the doings of the magnates in church and state.[4]

The diplomatists at Calais did their work almost as quickly as those at Brétigni. But while on the former occasion the English scored every advantage, the French negotiators at Calais were astute enough to weaken the force of the treaty without their English rivals apparently noticing what they were allowing to happen. The fortnight of frenzied negotiation, which culminated in the mass of documents dated October 24, resulted in a diplomatic defeat for the English. Unconsciously, they allowed the advantages secured at Brétigni to slip from them by agreeing to postpone the two kings' renunciation of their respective claims to the French throne and to the ceded dominions. The aridity of the copious records makes it impossible to assign the blame to the right quarter, but it looks as if the presence of Edington, Barnet, Buckingham and Wykeham, did not add much to the

[1] *Foedera*, iii. 520, for example.

[2] This description was also applied to Carlton, Hilton and Loughborough. *E.A.* 314/1, 1-12, give particulars of the expenses of some of those sent to Calais as "nuncii." The majority were secular magnates, the chief clerk being John Carlton; *ib.* 314/10. Barnet was also employed later in Flanders; *ib.* 314/24. All were paid by an advance from the exchequer before their departure, and by subsequent advances at Calais from Richard Eccleshall, treasurer of Calais, and John Malwayn, governor of the liberties of the English merchants at Bruges, in each case clearly from local funds. The wardrobe had no responsibility in the matter, though Eccleshall was an old wardrobe clerk. Compare *I.R.* 224/26, and Delachenal, *Charles V.* ii. 241, who notes that Geoffrey Chaucer was there in the household of Lionel of Ulster; *E.A.* 314/1.

[3] *Foedera*, iii. 520.

[4] See, for instance, *Anon. Chron.* p. 48, which records the presence of "plusours mestres de divinytee et doctours de decres et de la civyl de ambedeux les roialmes."

competence of the English officials. Anyhow what Winwick gained at Brétigni was quietly let go by the blundering diplomatists at Calais. For the moment, however, there was every manifestation of goodwill, and all bade fair for the future. But it was one thing to agree and another to execute the agreement, and the English statesmen soon realised that their troubles were about to begin all over again. Meanwhile, with this "definitive" peace, so long despaired of, the longest and most stirring period of Edward III.'s reign was closed. By the end of November Edward and his followers were all back in England, and the difficult task of restoring normal routine had to be faced.

SECTION V

Peace, Retrenchment and Reform, 1360–1371

The nine years of nominal peace from the treaty of Calais to the renewal of the French war in 1369, and the months immediately following, up to the meeting of the parliament of 1371, form a clearly marked period in the reign of Edward III. The acts of that parliament involved the country in a new ministerial crisis, and revived administrative problems which had been dormant since the troubles of 1340–41. Yet from the administrative point of view, these eleven years, especially the earlier years, were anything but a time of repose. The disorganisation, inevitably caused by the war, had to be remedied before a return to pre-war conditions could be expected. Underneath the surface tranquillity, reconstruction went on apace. As the years rolled on, new movements began to develop, which help to explain both the crisis of 1371 and the difficulties which beset the realm between that date and the death of Edward III.

The ministerial history of these years was uneventful. The substantial fusion of the court and country parties, which we have already noticed, continued. Removal of ministers was infrequent, and can usually be accounted for by retirement, death or promotion. There were for the eleven years only three changes in the occupancy of each of the three great offices of state. The chief ministers were all, roughly speaking, men of the clerical and courtly type, and the only criticisms passed upon them were suggested by their original obscurity and their continued dependence on the favour of the crown.

Edington remained at the chancery until February 19, 1363, and then retired at his own request. His long official career was now fully run, and he wished for leisure to devote himself to his diocese and his foundations and buildings at Edington and Winchester. Three years later, the sincerity of his renunciation was proved when, on archbishop Islip's death, he declined election to the archbishopric of Canterbury, which the monks of Christ Church, inspired by the king's direction, had

offered to him.[1] Edington was too conscious of his infirmities and approaching end to accept the glittering prize. He died six months later, devoting his last efforts to the reconstruction of his own church at Winchester, where he was buried beneath the first of the series of noble chantry chapels which were to mark the resting places of himself and his even more distinguished successors.

A successor to Edington as chancellor was found in the sometime abbot of Westminster, Simon Langham, who had been treasurer since 1360, and had been appointed bishop of Ely by the pope in January 1362. Langham received the great seal on the same day that his predecessor surrendered it to the king, February 19, 1363.[2] The next day John Barnet, bishop of Worcester, stepped into Langham's place as treasurer.[3] Five months later, William of Wykeham became keeper of the privy seal on the tardy attainment by John Buckingham of his long deferred bishopric of Lincoln. These three men retained their appointments for the next four years. Even then, their association was broken only by Langham's promotion to Canterbury. Soon afterwards, Wykeham became chancellor in his place, and was succeeded at the privy seal by Peter Lacy, general receiver of the Black Prince.[4] In 1369 Barnet, then bishop of Ely in

[1] Birchington in *Anglia Sacra*, i. 46; *Cont. Hist. Winton* in *ib.* i. 317, "diem ultimum imminere prospiciens, oblatam dignitatem adire noluit." According to John Reading (ed. Tait, pp. 176-177), the convent was divided between Edington and bishops Lynn of Chichester and Whittlesea of Worcester. It did not hesitate long, for the *congé d'élire* was only issued on April 30, and Edington was elected, or rather "postulated," on May 8, 1366; Malvern in *Polychron.* viii. 366.

[2] *Foedera*, iii. 689.

[3] *Ib.* p. 689. He was seldom, if ever, described as a king's clerk, but generally as a "master," that is, probably, doctor of law; *Foedera*, iii. 511, 520; Delachenal, *Hist. de Charles V.* ii. 241, n. 1. Michael Northburgh, keeper of the privy seal and bishop of London, was interested in his career; *C. Pap. Reg. Pet.* i. 269. Failing to secure the deanery, he became archdeacon of London, and was active in diplomatic work at Calais in 1360. To this he doubtless owed his treasurership and his bishoprics. He must be distinguished from Mr. John Barnet, junior, archdeacon of Essex and clerk in the chancery of the Black Prince in Aquitaine. It was probably the latter who was of illegitimate birth; *ib.* p. 364. The treasurer was translated by provision to Bath and Wells in Nov. 1363, and again to Ely in Dec. 1366.

[4] Lacy, described as of Rendlesham, Suffolk, was, in 1339, already beneficed at Whitstone, Cornwall; *C.C.R., 1339–41*, p. 220. Already perhaps clerk of the prince of Wales, he was ultimately his "secretary," receiver and attorney, acting as receiver between 1346 and 1369; *ib., 1346–49*, p. 226, *C.P.R., 1354–58*,

succession to Langham, was replaced at the treasury by Thomas Brantingham, who had just abandoned the keepership of the wardrobe, and became in 1370 bishop of Exeter. The connection between members of the official ring was now so close that they almost automatically succeeded to each others' bishoprics. Thus Wykeham became Edington's successor at Winchester in 1366, and Barnet took Langham's place at Ely in the same year. All three, Wykeham, Brantingham and Lacy, remained in their secular offices until they were simultaneously removed, at the request of parliament, in March, 1371.

Almost the same stability was maintained in the household and other inferior offices. There, too, circulation was slow, and among men of the same type. In the wardrobe there were five keepers in succession to Farley, who resigned his office on November 7, 1360.[1] These were William Ferriby (1360–61), William Manton (1361–66), William Gunthorpe (1366–68), Thomas Brantingham (1368–69) and Henry Wakefield (1369–75). Of all of them, and especially of the last two, the only eminent persons of the series, we shall have more to say in other relations.[2] Perhaps there is some little significance in that none of Ferriby's four successors followed the course of normal promotion which had raised him, and many of his predecessors, to the keepership from the controllership. Manton, for twenty years keeper of the wardrobe of Elizabeth of Clare, and, on her death in 1360,[3] one of her executors,[4] was appointed to the keepership of the royal wardrobe, without any previous experience in that office.

---

p. 371. He was also prince's attorney in 1362; *C.C.R., 1360–64*, p. 410. For him, see also later, p. 253, nn. 3, 4.

[1] Farley was still in England on May 12, 1361, when he delivered his account to the exchequer (above, p. 225), but he had been appointed constable of Bordeaux, before July 12 (*Foedera*, iii. 622), and ships were ordered to be ready by Aug. 1 to take him and the new seneschal, Richard Stafford (brother of the first earl of Stafford), to Gascony. Farley accounted as constable for part of 35 and 36 Edward III.; *E.A.* 176/4, 5, 6, 13. He took over the office on Sept. 20, 1361, and died before October 1365; *C.C.R., 1364–68*, pp. 140, 244.

[2] For these see later, iv. 148-149, 152, 153-156.

[3] He was keeper of Elizabeth's wardrobe from 1340 to 1360, and from 1351 to 1360 also clerk of her chamber, "clericus garderobe et camere"; *Exch. Accts.* 93/8 m. 1: "receptor camere," *ib.* 93/19. There were other precedents in the Clare household for this union of offices. I owe this information to Miss Clare Musgrave's London M.A. thesis on the "Household of Elizabeth de Burgh, lady of Clare." See for Manton's chamber work, later, iv. 310-311.

[4] Nicholls, *Royal Wills*, p. 25.

There were only two controllers for the period after the withdrawal of William Clee on November 7, 1360. These were Hugh Segrave (1360–68) and John of Ypres (1368–76), both of whom served for longer than was usual. John of Ypres, a knight, was the right hand man of John of Gaunt,[1] and the first lay controller of the wardrobe. His laity saved him from the fate of his clerical colleagues in 1371, and later secured for him the stewardship of the household.[2] The old landmarks were, indeed, disappearing, when the gulf between the clerical and lay departments of the household was thus easily bridged.

Another aspect of the same process is seen in the appointments to the headship of the two minor wardrobes. Henry Snaith, who was keeper of the privy wardrobe from 1360 to 1365, was, in 1361, after a few months, also appointed keeper of the great wardrobe, and held the two offices until 1371, a period of nearly five years. When he resigned, John Sleaford, who had succeeded Snaith in the privy wardrobe in 1365, followed him in the great wardrobe, and continued to be chief of the two minor wardrobes from that date until the end of the reign. It was a further indication of change that, when William of Wykeham left the chamber for the privy seal, the most conspicuous chamber officer was the receiver, Helming Leget, king's yeoman.[3] Here again a layman stepped into a clerk's place. The "anti-clerical" parliament of 1371 was carefully prepared for.

The stewards of the period were three in number. Sir Guy Brian, the distinguished soldier of the French wars, held office from 1359 to 1361. His successor, Sir John atte Lee, or de la Lee, or Lee, of Clothill, an old servant of queen Philippa, acted from 1362 to 1368, and left his post in scandalous circumstances, to which we shall have later to refer. The next steward, Sir William Latimer, a notable courtly knight, was at work between 1368 and the end of this period, when he was transferred to the

[1] See for this later, iv. 157-159.

[2] As knight of the shire for Lancashire, he sat in the parliaments of 1369 and 1371, and to this fact, as well as to his laity, may have been due something of his immunity from criticism; *Return of Members of Parliament*, i. 182, 184, 186; *C.C.R., 1369–74*, pp. 100, 290, 316, shows that he received his "writ for expenses" on each occasion. Yet officially he must have been in attendance on the court.

[3] See iv. 332.

chamberlainship. John Charlton had been chamberlain to at least May 26, 1360, and from March 1362 till his death in 1371, Thomas Vere, earl of Oxford, personally discharged the chamberlain's duties, after he had obtained the revival of the hereditary chamberlainship in favour of himself and his heirs. However, a magnate could not always be at court, and before long the restoration of the Vere chamberlains involved the permanence of an under chamberlain, who discharged the duties of the office. This series began with Sir John Chandos, who acted from July 1359. By 1363 he had been succeeded by Sir Richard de la Vache, who died in 1365. Alan Buxhill [1] was under-chamberlain in 1369 and 1370, and Sir Richard Pembridge seems to have succeeded him. Then, in the autumn of 1371, Sir William Latimer became acting-chamberlain, for the death of the earl of Oxford left only a minor to succeed to estates and offices.[2] Considering all these facts, we are safe in assuming that, even in the years 1360 to 1371, the lay and military element tended to encroach upon the clerical element.

Amidst these highly placed, but somewhat shadowy, personages one stands pre-eminent. It is not too much to describe the whole period 1360 to 1371 as the period of the dominance of William of Wykeham, who by the former date had established a secure position in the king's confidence. As soon as declining health and energy relaxed the influence of Edington, Wykeham became the king's chief minister, approaching, as nearly as fourteenth century conditions allowed, to the status of a modern prime minister. His growing influence was at this stage a triumph of the household system, for it was as the king's special favourite and confidant that he rose from humble beginnings to a height which excited the envy and wonder of his contemporaries. A Hampshire man, perhaps of servile,[3] certainly of obscure origin, and with no academic training, he gradually emerged as an active man of affairs, who by 1349 had rendered sufficient service to

[1] His name is generally spelt Buxhill in records, but it represents a place now called Bugshill in Sussex, near Robertsbridge, which Alan inherited with other estates, mainly in Sussex, in 1325, when only one year old; *Cal. Inq.* vi. 439-440.

[2] For details of the chamberlaincy, see iv. 337-341.

[3] "Fuerat autem dictus Willelmus Wikham de infimo genere, ut puta dicebatur servilis conditionis"; Malvern, p. 359.

the crown to be presented to a living in the king's gift.[1] He was soon employed as clerk of the rolls of forest eyres in Hampshire and Wiltshire.[2] By 1356 he was clerk of the king's works at Easthampstead, Windsor and Henley.[3] It was only in 1357, after years of humble service, that he was first called king's clerk.[4] His position was assured by 1359, when he was appointed chief keeper and surveyor of a string of royal castles and manors.[5]

Wykeham's skill in financing and organising building operations on a large scale found congenial exercise in the great work of demolition and reconstruction of Windsor castle, and in pressing into the royal service so many masons and carpenters that private builders could hardly find a good craftsman for their own undertakings, unless he were hidden away to escape the royal monopoly of such labour.[6] His next undertaking was the construction, on a difficult and marshy site, of the castle and town of Queenborough in Sheppey, a late example of a *bastide* or *villeneuve*, set up much on the lines of Edward I.'s foundations of Hull and New Winchelsea, and named after Queen Philippa.[7] Wykeham was already on sufficiently familiar terms with highly placed officials to supplement a formal writ in his favour by a personal note, probably written in his own hand.[8] Other charges were also

[1] *C.P.R., 1348–50*, p. 339. He is described as " chaplain " simply.

[2] *C.P.R., 1354–58*, p. 342 ; *C.C.R., 1354–60*, p. 306.

[3] *C.P.R., 1354–58*, pp. 383, 463.

[4] *Ib.* p. 364. This is a grant of 1s. a day from the exchequer beyond his wages.

[5] *Ib., 1358–61*, p. 243.

[6] Malvern, p. 359 : " Omnes enim fere latomi et carpentarii per totam Angliam ad illam aedificationem fuerunt adducti, ita quod vix aliquis posset habere aliquem bonum latomum vel carpentarium nisi in abscondito propter regis prohibitionem." The stern writ in *C.C.R., 1360–64*, p. 391, shows how long this state of things endured.

[7] *C.P.R., 1358–61*, p. 576, shows the castle was already being built by 1361. The charter to the town of Queenborough was not, however, issued until 1368 ; *C.Ch.R.* v. 211-212. Malvern, p. 360, gives by far the best account of Wykeham's early career. He can be supplemented by the entries in the calendars of patent and close rolls and papal registers. I have been spared some labour by utilising the careful work of Dr. B. Wilkinson on this subject. Prof. Hamilton Thompson has published in *History*, x. 148-150, a short but sound appreciation of Wykeham's real relation to the buildings of which he was traditionally regarded as the " architect." He is wrong, however, in making Wykeham " trained under Edington at the exchequer," and " going back to the exchequer in 1361." Wykeham was never an officer of the exchequer.

[8] *C.W.* 910/29 ; Maxwell Lyte, *The Great Seal*, p. 55. This is a bill of privy seal, dated Sept. 24, 1360, to which is appended these words : " A sire David de Wollore. Sire, voillez esploiter cestes bosoignes si tost come vous poetz

imposed upon this hardworking and intelligent servant of the crown, notably the custody of the king's horses and hounds. His gifts, however, were those of the organiser, the administrator, and the employer of labour ;[1] he was not the technical architect later times have often thought him to be.

Up to 1360 Wykeham had been employed in various parts of the country, but then he became much more closely associated with the court, and was for many years a member of the inner household. We find him in the autumn of 1360 among the clerks who conducted the final negotiations for the peace at Calais.[2] By the end of 1361 begin a stream of writs enrolled " on the information of William of Wykeham,"[3] and when the king was at Windsor he was entertained at Wykeham's expense.[4] About the same time Wykeham appears as clerk of the king's chamber, and the king's " secretary " and councillor.[5] The huge sums paid over to the king in his chamber in the middle and later sixties suggest that there had been some revival of chamber activity under Wykeham's auspices, though the fact that the chamber was not allowed to spend the bulk of such moneys, but only to look after it, indicates a certain limitation of power.[6] In the capacity of chamber clerk Wykeham doubtless kept the king's secret seal, and in 1361 he succeeded his predecessor as chamber clerk, Thomas Bramber, deceased, as chirographer of the common bench.[7] A more conspicuous office was bestowed upon him when he was, in July 1361, made joint keeper of the forests south of Trent.[8] It

bonement, come mafie de vostre bone amiste. Le vostre W. de Wykeham." Wooler was of course, keeper of the chancery rolls. It was clearly within his power to expedite the issue of writs. But I cannot find a writ of great seal among the published calendars representing this writ of privy seal, though such a writ was doubtless issued.

[1] Already in 1356 he was a justice of labourers in the liberty of Windsor ; *C.P.R., 1354–58*, p. 392.

[2] *Foedera*, iii. 520.

[3] See *C.P.R., 1361–64*, and *C.F.R.* vii. *passim*.

[4] For instance, see *E.A.* 394/8. On Saturday, Jan. 9, the entry at Windsor on this roll of hospicium expenses is " Wikhami custus."

[5] He was first specifically called clerk of the chamber in a petition of Edward III., granted on Dec. 3, 1361, for his preferment ; *C. Pap. Reg. Let.* i. 380. He was already " secretary " in August (*ib.* p. 373), and a member of the council in Feb. 1363, when the pope urged him as a councillor to use his influence with the king ; *C. Pap. Reg. Let.* iv. 2.

[6] See below, pp. 243-248, and iv. 325-326, and 329-330.

[7] *C.P.R., 1361–64*, p. 99.

[8] *E.H.R.* xviii. 115, from fine roll. His colleague was Peter atte Wood.

was now that there began to pour on him the flood of benefices which made him the greatest pluralist of his age. The reluctant pope could not but agree to break all the rules against pluralities for the clerk in whose favour the king of France pleaded almost equally with the king of England, and whose advancement the English sovereign had so much at heart.[1] One proof that he was high in favour was that the deanery of St. Martin's le Grand, the special preserve of the prominent household clerk, was at the same time conferred upon him.[2]

On June 10, 1363, Wykeham succeeded Buckingham as keeper of the privy seal.[3] This was the first promotion from the chamber to the privy seal since that of Bramber, about nine years before, and, like the earlier precedents, was meant to mark out the promoted official as the special recipient of the royal confidence. There was, perhaps, a conscious return to usage in that, all the time Wykeham was keeper of the privy seal, he remained a member of

[1] The petition here quoted was, when presented by Sir Guy Brian, refused by Innocent VI., but "as the king has it so much at heart," a cardinal was appointed to investigate his fitness, and William soon got what he wanted; *C. Pap. Reg. Let.* i. 380. It was only in 1361 that he was ordained, advancing from the acolyteship to the priesthood in six months.

[2] On May 5, 1360; *C.P.R., 1358–61*, p. 353.

[3] This is the date from which he first received special wages from the exchequer, and it may therefore be safely regarded as the moment of his entry into office; *C.P.R., 1364–67*, p. 97. The grant was of 20s. a day from the exchequer, "notwithstanding that he stays of the inner household," because, besides the office of the privy seal, "he has supported and will have to support daily successive labours and charges about divers offices connected with the king's private affairs." Compare *I.R.* 247, Oct. 24, 1366, "eo non obstante quod idem Willelmus de intrinseca familia regis morari diuersis temporibus contigit." The grant of 20s. was, however, only made in March 1365. It looks as if Wykeham, like most of Edward III.'s servants, had a difficulty in getting his pay without long periods of waiting. This is, I think, the first occasion when a keeper of the privy seal received wages from the exchequer and not from the wardrobe. Malvern's phrase (p. 360), "et infra breue tempus post, suum secretum sigillum (rex) fecit portare," may apply equally to this office or to his previous custody of the secret seal as clerk of the chamber. The date almost suggests the latter, though the probabilities are rather in favour of the privy seal being meant here; compare the early English chronicle printed in *Polychronicon*, viii. 434. The statement in Moberly's *Life of Wykeham*, p. 31 (2nd edit.), "on May 5 he was appointed keeper of the privy seal by bishop Langham, then chancellor," is as unfounded as to the date as it is erroneous in the assumption that the privy seal depended on the chancellor and was in his patronage. It is repeated in Prof. Tait's article on Wykeham in the *D.N.B.*, which gives the best summary of Wykeham's career, though not always sufficiently criticising tradition with regard to his early history.

the "inner household,"[1] and retained not only his keepership of the forests,[2] but other similar posts as well. In July 1363 Edward III. spoke of Wykeham as his "secretary who stays by his side in constant attendance on his service, who, with all his servants, is under the king's special protection."[3] Already his authority exceeded that of the new chancellor and treasurer, for neither a limited and self-seeking Benedictine monk, like Langham, nor an inexperienced official, just established for the first time in high office, like Barnet, could vie with him either in efficiency or in acceptability to the crown.[4] When Wykeham's enemies, nearly fourteen years later, drew up accusations devised to ruin him, they described him as "clerk of the privy seal, chief of the secret council and ruler of the great council."[5] This points to an inner cabinet of secret advisers, directed by Wykeham and capable of usurping unostentatiously the functions of the two superior ministers of state, and, perhaps, also of dominating the great council of the realm. This complaint is virtually re-echoed in the strong words of Froissart, who, writing of the same period, says "everything was done by him and nothing was done without him."[6] He was the one constant factor in the years between 1360 and 1371, and to him more than to any other must be imputed the responsibility for the 1371 crisis. Like Kilsby, but with infinitely greater prudence and circumspection, Wykeham had revived the old court party. His conservative instincts, however, combined with the inevitable effects of wealth and power on his attitude, put him on friendly terms with the nobility. We shall see his policy changed fundamentally before the end of the reign.

[1] Wykeham was still receiving fees and robes from the wardrobe as a household clerk in the summer of 1366; *E.A.* 396/1 f. 111. The recording, as something exceptional, the fact that the keeper of the privy seal remained "de intrinseca familia regis," shows the extent to which, by Wykeham's time, the keeper of the privy seal had become normally "extra curiam."

[2] His successor was only appointed in Oct. 1367.

[3] *C.P.R., 1361–64*, pp. 444-445. The occasion was an assault on his servants.

[4] Wykeham's enemies in 1376 complained that he had had complete control of the national finances from 1361–70, and that he had taken advantage of Barnet's slackness to appropriate sums from the treasury for his own use; *Chron. Angliae, 1328–88*; Introd. pp. lxxv-lxxviii; cf. below, p. 251.

[5] *Rot. Parl.* iii. 388; *Foedera*, iv. 12-14; *Chron. Angliae*, pp. lxxv-lxxviii, gives an English version of the articles. This is contained in the pardon issued in the name of Richard II., by the advice of his first parliament in July 1377. The sharp distinction between "great" and "secret" councils is more after the phrasing of 1376 than that of the early sixties.

[6] *Chroniques*, vii. 101.

The new ministers had a hard task before them. When peace had been established in 1360, the obvious reasons for extraordinary taxation disappeared, but in the fourteenth century, as in the twentieth, the effects of a great war were not ended with the proclamation of peace. The man in the street might imagine that the king could meet his war liabilities and carry on the future administration of the country with the ordinary revenues of the state. The statesmen saw that this was out of the question, and that the first condition of future good government was to study the national finances as a whole. Accordingly the exchequer, for the first time in its history, overcame its reluctance to draw up any general statements as to income and expenses, and made serious efforts to frame approximate balance sheets, or estimates, for several of the years between 1359 and 1364.[1]

Evidence of such "budgetting" is contained in a number of exchequer documents which have already been collected and printed.[2] The date of their compilation is not certain, but probably they were all drawn up about the same time, somewhere between 1363 and 1365. At whose instigation the work was undertaken is also a matter for speculation, though all indications point to John Barnet, bishop of Worcester. He was made treasurer in February 1363, when, as we have seen, there was a general reshuffling of the ministerial cards on Edington's

[1] There were some partial precedents in this direction, and, of course, there may have been others of which no record has survived. The earliest precedent was that of 1284, when some attempt had been made, as we have seen, to arrive at an estimate of the revenue of the year. See above, p. 77, n. 2. Moreover, consciousness of the need for periodical stocktaking may have inspired the clause in the Walton ordinances of 1338, which directed the treasurer of the exchequer to inquire into the extent of the king's debts and obligations, and to estimate the revenue necessary to meet them and enable the king to "maintain his estate"; above, pp. 73, 149. Yet apart from the summary of the receipts and issues of 1339–40, made from the rolls of that year (above, p. 93, n. 1), there is nothing to show that any steps were taken to carry out these instructions. The allocation of fixed sums to each of the various offices of the household recorded in *E.A.* 394/87, and the earlier allocation in 10-11 Edw. III., of a fixed sum for the privy wardrobe (*ib.* 387/20), though analogous, cannot be strictly regarded as precedents.

[2] By Dr. Broome and myself in a note in *E.H.R.* xxxix. 404-419, called "A National Balance Sheet for 1362–63, with documents subsidiary thereto." Miss M. H. Mills, in *ib.* xl. 231, has made a suggestive comparison between our documents and that of 1284 discovered by herself. Our estimates are for "moneys received at the exchequer," while the estimate of 1284 is for "actual revenue." See also above, p. 77.

resignation of the chancery to treasurer Langham. Experiments may have been begun a year or so earlier, but little progress was made until after Barnet had come to the treasury.[1] He must soon have discovered that the exchequer, the very centre of official tradition, was playing fast and loose with its cherished customs.

Anxious to remedy the slackness, which in the days of Langham had been allowed to prevail, Barnet went painstakingly to work, as the documents under consideration show. The most remarkable of them is the summary statement of the revenue and expenses of the king for the thirty-seventh year of his reign,[2] a period which, according to exchequer reckoning, ranged from Michaelmas, 1362, to Michaelmas, 1363.[3] This is, so far as I know, the first attempt to draft a summary balance sheet for a definite financial year. Yet it cannot be regarded as a complete success, for the details will not bear scrutiny, and several material errors vitiate its conclusions. Annexed to it are four separate and more detailed versions of the expenses of that year, with brief statements of the receipts, but each differs from the rest, and none carry conviction. That there are, besides these five membranes, several others setting forth similar statistics for the same period, shows clearly that the officials themselves were dissatisfied with the results of their preliminary survey, and made repeated attempts to arrive at trustworthy figures. Some of the items are estimates, and one of the membranes contains only estimates, as we shall see, based on the statistics of previous exchequer years. All the documents have in them the elements of a budget as well as those of a balance sheet, and the allocation of sums to the household and chamber of the king, queen and royal family, suggests also an approximation to a civil list.

Barnet seems to have despaired of the figures derived from his predecessor's records, because there was also prepared a detailed balance sheet for his own first year of office.[4] This is,

[1] *E.H.R.* xxxix. 408; *Camden Miscellany*, xiv. (R.H.S.), "The Ransom of John II.," p. xxii. For Barnet's earlier career, see above, p. 229.

[2] *E.H.R.* xxxix. pp. 412-413. "Les reuenues et despens nostre seignour le roi en lan xxxvij^{me}" (*E.A.* 394/17, m. 1).

[3] *Ib.* the headings to membranes 2-5, cf. *E.H.R.* xxxix. p. 413.

[4] *E.H.R.*, pp. 415-416 (*E.A.* 394/17, m. 6).

for the period February 20, 1363, to February 19, 1364, not, as we might have expected, for the first whole financial year of his service. There are naturally grave discrepancies between two balance sheets which have only seven months of the year in common, but even so, both are equally unsatisfactory, for they disclose an enormous excess of expenses over receipts. For one thing, the pernicious system of "assignments" was still so wide-spread that a considerable proportion of the royal revenue was rigidly allocated, long before it could be collected. More than half the revenues from sheriffs and ferms were thus earmarked, and the residuum disposable by the king was barely £3000 a year. This left available only the customs as the one solid and permanent item, not dependent on parliamentary grant. In consequence, the balance sheet for the exchequer year 1362–63, which covered the end of Langham's treasurership and the beginning of Barnet's, showed an unappropriated revenue of only £35,529 : 17 : 1, to meet the expenses of the past year. These amounted to £90,793 : 18 : 10, so that there was a deficit of £55,264 : 1 : 9.[1] The statement of income and expenditure for February 1363 to February 1364, Barnet's first year of office, was still more alarming.[2] The revenue, according to this, was £35,529 : 6 : 8 and the expenses £100,298 : 3 : 9, resulting in a deficit of no less than £64,768 : 17 : 1.[3] A third statement for 1362–63, treated as an illustration of normal peace expenses, discovered in a different category of exchequer accounts, is, however, somewhat reassuring, for it only makes the deficit £26,666 : 13 : 4.[4] But whichever of the statements is the more nearly correct, the moral is the same. The king had to pay away much more than he received. Not only had he to meet heavy arrears of war debts and increasing administrative charges, but a new source of expense was arising in the obligation to set up adequate households for his numerous children, of whom the younger were now approaching adolescence. Under such

[1] These figures are not to be accepted as ultimate. See *E.H.R.* xxxix. p. 407.

[2] *Ib.* pp. 415-416 (*E.A.* 394/17, m. 6). The arithmetic here seems stronger than that of the document referred to in n. 2, p. 241, above.

[3] The near correspondence of income in the two accounts makes it certain that they are based on the same figures.

[4] *E.H.R.* xxxix. 417-418 (B) (*Exch. Misc. K.R.* 5/20), "La remembrance de les despens nostre seignour le roi qe enbusoignent annuelment estre faitz en temps de pees."

conditions Edward clearly could not "live of his own," as parliament imagined that he ought. He could only "maintain his estate," if ample additional supplies were forthcoming.

There was still one alternative way of balancing the royal budget. Some of the detailed statements for 1362–63 note that the deficit was met by the sums received from "the ransoms of France and Burgundy," and from the "revenues of Ponthieu and Calais."[1] These revenues, however, were insignificant in amount, and if the establishment of the staple and "exchange" at Calais had swelled the income of Edward's conquest, the gain at Calais had reduced to insignificance the profits of the mint and exchange of the Tower of London. Accordingly the only hope of the king's paying his way without recourse to parliament, was to use the fourteenth century equivalent of our modern "reparations," the ransoms of king John and the French nobles captured during the war.

Apart from the ransoms promised by lesser personages, king John himself had agreed, in the treaty of Calais, to pay a ransom of three million French gold crowns, two of which were calculated to equal in value one English noble.[2] That sum was, therefore, no less than £500,000 sterling, an unheard of amount for such a purpose up to that date. Further, in 1361, when his son Philip the Bold had become duke, John made himself responsible for the "ransom of Burgundy," 200,000 *moutons d'or*, for which Philip de Rouvre had bought off English invasion in 1359.[3]

[1] *E.H.R.* xxxix. 415. After recording a deficit for 1362–63 of £56,674 : 17 : 6, they add, "qe sont receuz et paiez de les raunceons de France et de Burgoyne et les revenues de Pountif et Caleys."

[2] The problems touching the collection and payment of John's ransom have been discussed by the late M. R. Delachenal, in his *Histoire de Charles V.* ii. 325-331. Some further problems concerning the payment of the ransom, and the use to which the money was put, have been considered, and certain relevant documents printed, by Dr. Broome in "The Ransom of John II., King of France, 1360–70," in *Camden Miscellany*, xiv., 1926, Royal Historical Society, Camden Third Series, xxxvii.

[3] *Foedera*, iii. 473. The treaty of Guillon defines the Burgundian obligation as "200,000 deniers d'or ou moutons," but does not indicate the relation of this coin to the "escus d'or" of the treaty of Calais. It is, however, stated in the receipt rolls that the "multo" (or mouton) was worth 4s. in English money; *R.R.* 465, Oct. 27. Compare a mysterious text in Ducange, *s.v.* multo, which makes the "mouton" worth "37 sols. tournois," that is, 4s. 2d. sterling. There is always a difficulty in translating coins into moneys of account, and even in determining the relation to each other of the differently named coins. The international standard gold coin of the fourteenth century was the Florentine florin,

The king of France strove heroically to make good his share of these bargains. Before he obtained his release, 400,000 French crowns, or £66,666 : 13 : 4, were actually paid over in cash. Later payments of considerable amount followed, and although impoverished France could not tender the prescribed sums at the appointed times, it was rather the breach of oath of his kinsmen than the arrears of his own ransom, which brought back John to his English prison. By his death in April 1364, France had paid about a third of the promised total, amounting to something like £166,666 : 13 : 4. Besides this, John had also paid off the whole of the ransom of Burgundy.[1] Payments on these two ransoms

which was worth 3s. 4d. sterling, and was imitated by Edward III. when he coined "gold half nobles" of 3s. 4d. as well as "nobles" of 6s. 8d. The "escu d'or" is also described as a "florin d'or," and it happened that about this time the standard French money of account, the "livre tournois," was worth exactly 3s. 4d. (Blanchet et Dieudonné, *Manuel de numismatique française*, 1916, gives the best summary of the French coinage of this period). Accordingly, we know that the "escu d'or," sometimes called "denier d'or," and the "florin d'or," were equivalents, but the exchanges varied constantly and, moreover, currency was always liable to be debased. The French soon found that the ratio of two "escus d'or" to one English noble, laid down at Calais, did not faithfully represent the relative values of the two currencies. At each payment they made, they strongly complained that the English noble contained more alloy and was less in weight than it should have been, according to the terms of the contract between the English king and his moneyers. In effect, this involved the imposition on France of a more grievous burden than even the stern conditions of the treaty had contemplated. There was so much substance in the complaint that on Jan. 30, 1361, Edward III. appointed a commission, headed by Guy Brian, the steward, to make assay of the money struck by the Tower mint, and elsewhere within the king's realm and jurisdiction; *Foedera*, iii. 598; *C.P.R., 1358–61*, p. 582. It looks as if the French accusation were well founded, for on Mar. 5, 1361, the king entered into a new contract with a new "mestre et overour de ses monoies," the Florentine Walter de' Bardi, to coin gold of the right standard, and on June 20, into a third contract with another master, Robert Portico, under slightly more stringent conditions; *Foedera*, iii. 619-620: *C.C.R., 1360–64*, pp. 293-296. Bardi was, however, reinstated on Feb. 11, 1363; *ib.* p. 528. His fellow merchants did not approve of his having accepted this office, and in March 1363 obtained from the king letters acquitting them of all responsibility for any misdemeanours of which Walter might be guilty in the office of master of the moneys in the Tower of London, "undertaken without their assent"; *C.P.R., 1361–64*, p. 318. Yet some of the coin paid over by France was also less than its face value, and due recompense was made by the French in consequence; *C.C.R., 1364–68*, p. 115; *Receipt Rolls*, 464-480, 1361–64. For further information relating to coinage, see "Tables of Bullion coined under Ed. I., II., III.," by C. G. Crump and C. Johnson, in *Numismatic Chronicle*, 4th Series, vol. xiii.; cf. *P.R.O. Lists and Indexes*, xi. pp. 46, 59; xxxv. pp. 132-133, 177, 181.

[1] *Foedera*, iii. 727. After his father's death, Charles V. paid at least 292,000 crowns more, so that ultimately Edward III. touched almost half of the total stipulated, or £215,200. The figures in Ramsay, *Genesis of Lancaster*, i. 458, and *Revenues of the Kings of England*, ii. 232-233, 249, 287-288, are far from correct.

alone had, therefore, provided the English king with, roughly, £200,000 by 1364, so that it was not without reason that treasurer Langham had relied on these resources to redress the adverse balances of the national finances.

Yet the exchequer, apparently, still found it difficult to make both ends meet. Large as the ransoms were, and supposing they were paid in full, supplies from such a source would soon be exhausted, while the running expenses of the state showed little sign of shrinkage. The troubles of the exchequer were increased by the fact that Edward refused to permit the greater part of the payments of John's ransom, made in 1360 and 1364, to be used to meet past or current obligations. Instead, he had evidently regarded them as a convenient fund to be set aside for possible emergencies, emergencies ever likely to arise, since the peace treaty was imperfectly executed and the political future was dark. But in his anxiety to have an easily accessible war-chest to fall back upon, Edward broke several exchequer rules and caused some confusion and dismay in the office.

A fundamental exchequer law required all moneys received to be entered in the receipt roll, and all disbursements in the issue roll. Yet when, in 1365, investigation was made as to what had been done with four of the payments for which John had received quittance in 1360, 1362 and 1364, on the testimony of the treasurer and chamberlains of the exchequer, it was found that this regulation had not always been observed.[1] On the first instalment, 400,000 crowns, being brought to the exchequer in 1360, Edward had verbally instructed the department not to enter the item on the receipt roll but to deposit the money, in sealed bags, until further notice, in the Tower of London,[2] where a treasury was again actively functioning.[3] From time to time, royal mandates allowed this store to be drawn upon, and then, but only then, the exchequer entered on the receipt and on the

[1] There were two concurrent inquiries, and two independent reports in the memoranda rolls, one dealing with the sums of which part had been stored in the Tower or chamber, and the other with the sums handled in the usual exchequer manner. See *Camden Miscellany*, xiv. *loc. cit.*

[2] *M.R., L.T.R.*, 137, com. (rec.) Trin. t. m. xii.: "dicunt quod summa illa, precepto regis oretenus facto, inclusa et posita fuit in diuersis bagis sigillis sigillatis infra turrim Londonie, custodienda quousque rex aliud etc.; ipso rege nolente set prohibente quod dicta summa non [sic] foret inserta in rotulis recepte."

[3] Devon, pp. 182-183.

issue rolls the sums so used, under the date on which the issue was effected. The untouched remainder continued unrecorded. Up to January 1364, the other instalments received from John were entered in the receipt rolls. Yet £17,833 : 13 : 4, paid in January and February 1364, were, £766 : 13 : 4 excepted, placed in the Tower, without any memorandum of their receipt or whereabouts being made in the receipt rolls. The object undoubtedly was to create a hoard, nominally in exchequer custody, but unregistered in exchequer records. Altogether £47,171 : 1 : 4 were unaccounted for in the rolls of the exchequer, and over this large sum the king seems to have had unfettered control. In March 1364, he decided to take the further step of having the money removed from the Tower and placed in the care of the chamber, presumably in order to be quite free from any exchequer interference. The transfer was made with great solemnity on April 2, the money being handed over to the king in his chamber by the treasurer and chamberlains of the exchequer, in the presence of, among others, the chancellor, the keeper of the privy seal, the master and the controller of the mint, and the receiver of the chamber, Helming Leget, who took the money in the king's name. The occasion was the more memorable because six days later, on April 8, king John died in his splendid prison at the Savoy. His voluntary return there in the previous January had focussed attention on the matter of his ransom.

By April 1364, Barnet had been treasurer for more than a year and had had time not only to familiarise himself with the inner workings of his department, but to learn something of its relation to the other departments of the administration, and to appreciate the hopelessness of its attempts to pay its way. At his appointment, Barnet was new to administration, and no doubt spent a little time in getting to know the ropes. His first concern, no doubt, would be to acquaint himself with the source and the destination of the moneys for which he was responsible. Office rules at the beginning would probably seem to him of only secondary importance. So we need not be surprised that he countenanced the non-recording of the storing of money in the Tower, and its subsequent handing over to the chamber, in 1364. But, while apparently acquiescing in the king's arbitrary handling of John's ransom, and his violation of exchequer regulations,

Barnet must early have had his suspicions aroused, especially when the chamber was given custody of money previously deposited in the Tower under exchequer supervision. The inquiries made in April–October 1365, and reported in the memoranda rolls of that year, to which we owe the above facts, are somewhat mysterious, for we are not told their date, who authorised them, nor why they were undertaken. We know only that they must have been held sometime between Easter 1365 and the beginning of the Michaelmas term of that year. As we have already indicated, the likeliest person responsible for them is Barnet, though there is no getting away from the fact that some of the irregular transactions took place after he had become treasurer, and that he was called upon to explain those with which he had been concerned.

The reason for such investigation seems to have been the contravention of exchequer custom involved in Edward's treatment of the money. When all the evidence had been taken, and sifted, it was decided that to correct the error and safeguard against similar irregularities in the future, it would be enough if the exchequer entered in both receipt and issue rolls what had taken place on April 2, 1364, under the actual date of that transaction. That recommendation was carried out. In the receipt roll under April 2, 1364, there is registered the receipt of £47,171 : 1 : 4, and on the corresponding issue roll, under the same date, there is a memorandum of the disbursement of that sum to the chamber. Nothing further was required or done. The memoranda roll report makes it clear that the responsibility for the whole affair lay with the crown, and that the exchequer was in no wise to blame. Yet it is curious that an investigation of official irregularities should have taken place within the office, and that no officer was a penny the worse for the sins he had committed. Evidently the fact that the king's interest did not ultimately suffer was a sufficient reason for no one being dismissed, especially as the chamberlains concerned had already been removed for offences in another connection.[1] Indirect censure there undoubtedly was, and, as we have already pointed out, care was taken to remedy the lapse and make it less easy for the same thing to occur again. There was no objection, obviously, to the king's

[1] See, immediately below, the account of the Chesterfield case.

accumulating a secret and unrecorded store in the Tower, and still less in the chamber, where everything depended on the king's personal pleasure, provided that all money contributed to that store by the exchequer was duly entered on exchequer rolls. One result of this ventilation and rectification of an exchequer grievance was that the chamber and exchequer came to be yet more closely interrelated as part of a common system. What led to the inquiries being made, seems impossible to determine. They may equally well have been an outcome of the attempts at estimates and budgets made in 1363–65, or of the ceremonious transfer of the French coin from the Tower treasury into the care of the king's chamber. It is even conceivable that an internal exchequer dispute, which we are now about to consider, first suggested that some examination of the ransoms payment was desirable. Perhaps, indeed, they were the cumulative result of all three.

During these same critical years of 1364–65, there was another exchequer trouble, which resulted in the removal from office of both chamberlains of the exchequer in February 1365. For some unexplained cause, friction arose between the two chamberlains of the receipt, Ralph Brantingham and Richard Piriton on the one side, and the treasurer's clerk in the receipt, Richard Chesterfield, on the other. Both chamberlains had been at their posts for a number of years, Brantingham since 1349, and Piriton since 1353.[1] They, sometime in 1364, preferred various charges against Richard Chesterfield, who had been in office since Easter 1362.[2] Chesterfield had therefore served

[1] Brantingham had served as king's clerk since Edward II.'s time. He was made chamberlain of the exchequer on Jan. 31, 1349, and was not to be removed without the reason being certified to the king; *C.P.R., 1338–40*, p. 106; *ib., 1348–50*, p. 254. His position was all the stronger because he was a kinsman of the powerful Thomas Brantingham, treasurer of Calais, whose office, notably in the matter of the ransoms and their recoinage, was practically a branch of the exchequer.

[2] Chesterfield, even more than Brantingham, belonged to one of those official families which even clerical celibacy could not eliminate from the public service. Members of this family occupied the position of treasurer's clerk in the receipt for nearly thirty consecutive years. Two of Richard's predecessors in the office had been related to him, one of whom, Roger, his brother, was still about the exchequer. His cousin, Robert Derby, who succeeded him as treasurer's clerk when the new treasurer, Thomas Brantingham, was appointed in 1369, was already in the office, and there was "under him another clerk of their country"; *C.C.R., 1364–68*, p. 118. Moreover, two of the "tellers of the

nearly a year as Langham's representative before he was appointed by Langham's successor, Barnet, to be his deputy. Among the twenty-four counts drawn up against him, Chesterfield was accused of having made "undue allowances, payments, receipts and liveries," and of having falsified the exchequer rolls, to conceal his misdeeds, without the knowledge of the chamberlains and their clerks. He was also said to have made profit for himself out of the payments on behalf of the French king's ransom; to have manipulated tallies to his own advantage; to have charged expenses as if sent on the king's business when in vacation he went to his own church [1] or elsewhere on his private affairs; to have removed "customers" and exchequer clerks from office, and have replaced them with others "by his procurement with the treasurer and others of the council"; and to have pursued these and similar malpractices "during all the time of two treasurers," that is, since Langham had become treasurer in 1360.

The accusations were set out at length in a roll, and this the king placed in the hands of a strong committee of council, which he appointed by word of mouth, to consider the whole question. It is, perhaps, significant that neither Langham nor Barnet was asked to serve. The chief ministers acting were Wykeham, keeper of the privy seal, and Lee, the steward of the household, but several justices, the chancellor of the exchequer, one of the barons, and the warden and controller of the mint, were associated with them. The result of the inquiry was that Chesterfield, who strenuously denied the truth of all the charges, was pronounced innocent by the committee. When the accusers were informed of this, they reiterated their complaints, and further, declaring that the council had been guilty of "fraud, favour

---

receipt" were "of his affinity" and wore his "livery." The tellers were four in number, but for the years 25-36 Ed. III. they were rarely mentioned by name even when the payment of their salaries was recorded. It is difficult, therefore, to determine who these two tellers were. Perhaps one was Edmund Savage, who had Derby and Nottingham connections. The whole family group worked together well, and was believed to have the support of the treasurer. The charges against Richard are summarised in *C.C.R., 1364–68*, pp. 114-125, where a report is entered of the inquiry made into the matter.

[1] Besides holding prebends at St. Paul's and at St. Stephen's, Westminster, Chesterfield was rector of Brancepeth, Durham, and prebendary of Lincoln; *C.P.R., 1361–64*, pp. 280, 351.

and wrong-doing," begged that the case might be tried again. Willing to conciliate the persistent chamberlains, Edward asked them to tell him in writing what they wanted him to do. Nothing loth, they prepared another roll in which they suggested that Chesterfield and Derby should be removed from office, that other persons should be delegated to hear and determine the accusations, that the defaults should be remedied, and Chesterfield and his supporters punished. The king then sent all the documents relating to the case to the whole council, begging them to examine the matter afresh and to inform him of their conclusions. The report of the committee was considered, and the case re-heard, with the result that the whole council approved the verdict of its committee. Chesterfield was therefore acquitted. Brantingham and Piriton, and all their clerks "whom they had set under them" in both upper and lower exchequer, were deprived of office. On February 21, 1365, William Moulsoe[1] and John Newnham were appointed successors to the two guilty ex-chamberlains, who were at first imprisoned, but later released on the understanding that they remained in the city of London until the king had decided what was to be done with them. In May of the same year, Chesterfield appeared before the council to inform them he was satisfied to have been proved innocent, and had no wish to revenge himself on his defamers. Proceedings against the culprits were accordingly dropped. Chesterfield, for all his triumph, was probably prudent in not following up his advantage by a vengeful pursuit of damages. As it was, he received "pardon and exoneration" from the king for "whatever pertains to the king touching the above accusations."[2]

The chamberlains had ruined their own prospects, instead of bringing censure upon the loyal workers of the treasurer. No blame seems to have attached to Barnet for the behaviour of the chamberlains, in spite of the fact that, as their nominal superior, he was responsible for their actions. On the contrary, he had himself been implicated indirectly in the irregularities attributed to Chesterfield. By the unanimous verdict in favour

[1] Moulsoe was Wykeham's successor as clerk of the king's works, and also as dean of St. Martin's le Grand in 1364; *C.P.R., 1364–67*, p. 39. We shall hear of him again; see below, p. 313, and iv. 153, 155-156.

[2] *Ib.* pp. 251-252, 258.

of Chesterfield, Barnet's methods had been amply vindicated, and on Langham's promotion to Canterbury, Barnet was translated from Worcester to the richer see of Ely.[1] The replacement of Langham as chancellor by Wykeham gave an element of strength to the ministry which had been lacking since Edington's retirement. Wykeham and Barnet were congenial and able fellow-workers. Each must have had much sympathy with the policy, and admiration for the powers, of the other. In 1364–65, Chesterfield had even ventured to appeal to Wykeham to attest the truth of one of his statements.[2] This mutual respect and support may well have given rise to the charge expressed by one of the chroniclers, that Barnet's slackness had allowed Wykeham to appropriate to his own use certain exchequer moneys.[3] Although it is unlikely that the various exchequer investigations were published broadcast, rumours of the troubles must have leaked out, and they would not be calculated to inspire confidence or allay suspicion, even when the exchequer was proved right.

In the exceptional circumstances of these exchequer upheavals, it was useless to attempt to make the ordinary resources and the French ransoms suffice to carry on the government. Parliamentary help alone could meet the situation. Accordingly, we find that the years of peace were also years of important parliaments, and although the grants made in them were not excessive, they seem to have been constant in their yield. Briefly, the taxes and subsidies voted were, a fifteenth and a tenth in 1360; twenty shillings on the sack and three hundred woolfells, and forty shillings on the last, in 1362, for three years; double the 1362 subsidy in 1365 for the next three years; and in 1368, for two years, thirty-six shillings and eightpence on the sack, and two hundred and forty woolfells and eighty shillings on the last. Later, in June 1369, the 1368 subsidy was increased because of the renewal of war against France.[4] In view of the exchequer's attempts in 1363–65 to understand its position, we may not unreasonably ascribe to the influence of the resulting disclosures the doubled subsidy of 1365, though the reason

[1] When he left the treasury in 1369, Ralph Brantingham's kinsman, Thomas, took his place.

[2] *C.C.R., 1364–68*, p. 121.

[3] See above, p. 239, n. 4.

[4] *Foedera*, iii. 503; *Rot. Parl.* ii. 273, 285, 300.

given was the additional expense incurred in the fresh Gascon and Irish commitments. It is impossible to believe that such a thorough examination had no appreciable effect upon parliamentary supplies.

In the parliament of 1362, the first important one after the peace, the king put in the forefront, not the urgency of paying off his debts and of balancing his accounts, but the need of suitable provision for his adult children. Marriages with English heiresses had already suggested the most economical method of providing for the king's sons. A love match with Joan of Kent, the heiress of the king's uncle, Edmund of Woodstock, added to the broad lands of the prince of Wales the estates of an English earldom. The marriages of Lionel of Antwerp to the heiress of Ulster, and of John of Gaunt to the heiress of Henry of Lancaster, had provided still ampler endowments for the next two sons of the king. On the other hand, the wedding expenses and presents involved considerable sums,[1] and the new establishments had to be maintained on an adequate scale. In the parliament of 1362 the prince of Wales was made prince of Aquitaine, Lionel of Ulster duke of Clarence, John of Gaunt duke of Lancaster, and Edmund of Langley earl of Cambridge.[2]

The Lancastrian duchy was already in being, and its administration did not keep duke John many years at home. His brothers also had their centralised English headquarters, but all of them as well went further afield. John in Castile, Lionel in Ireland and later in Italy, and Edward in Aquitaine, were to find appropriate scope for their energies. It was not the king's fault that earl Edmund lost his chance of a great continental position through the failure of his scheme for his marriage with Margaret, the heiress of Flanders, only child of Louis de Male. Later, Portugal was to give him the foreign field, which seemed as essential as home estates for a son of Edward III.

Nor were the king's daughters left out of account. Similar

[1] See for instance, *E.A.* 393/10, "les dounes a les marriages le count de Richemond a Redyng, le xx^me^ jour de May, lan xxxiii^e^" (1359). The king's present to the bride, Blanche of Lancaster, cost £380 : 11 : 6. The total presents of the king and his near kin cost £670 : 5 : 6.

[2] *Rot. Parl.* ii. 273.

provision was made for the king's eldest daughter Isabella, who had already been granted the former chamber lordships of Holderness and Wight,[1] still enjoying their ancient franchises. In 1365 she married Enguerrand de Coucy, one of the hostages for the payment of king John's ransom. In 1368 Coucy was made earl of Bedford,[2] and thus the experiment was attempted of transplanting a great French house into a new English home. In the same way, Edward's youngest daughter Margaret was married as a child to John Hastings, second earl of Pembroke, though her early death prevented any great result from that alliance.

The administration of the lands and franchises of the king's kin was correlated with that of the crown. The clerks of the king's wife and sons were also the king's clerks. They belonged to a single official service, and expected the same rewards. Robert Stretton, the prince of Wales' clerk, vied with the king's servants in the race for bishoprics. John Harewell won the bishopric of Bath as the prince's chancellor in Aquitaine. A constable of Bordeaux was found in the former keeper of the king's wardrobe, William Farley. Nor did long service with the prince disqualify for further office under the king. Peter Lacy, who had been general receiver of the prince of Wales since 1346, became a king's notary,[3] and succeeded Wykeham as keeper of the king's privy seal.[4] Before long, room was similarly found for the servants of Edward's other sons. The king's lay controller, Sir John

[1] The grant was before Nov. 1356; *C.P.R., 1354–58*, p. 473; *Chron. de Melsa*, iii. 132. Isabella had also her central administrative office, including her "receipt" at Westminster; *C.P.R, 1364–67*, p. 37.

[2] *C.Ch.R.* v. 193. Knighton, ii. 121, says Coucy was made earl of Albemarle, a natural title for the lord of Holderness and Wight. This, though not a true statement, may suggest a project abandoned in deference to the feelings of other claimants to the Fors succession.

[3] On July 4, 1368, Lacy was already king's notary as well as Brancaster, the chancery, and Tirrington, the privy seal clerk; *Foedera*, iii. 368.

[4] Even as keeper of the privy seal Lacy continued to act as the prince's receiver. He was so described up to Oct. 1369. Moreover, on Feb. 16, 1870, the exchequer paid the Black Prince £1000, "by the hand of Peter de Lacy," for the wages of soldiers in Gascony, and on Feb. 18, £3458 in the same fashion. On Feb. 22, Lacy received £1312:6:8 from London merchants on the prince's behalf; *Brantingham Issue Roll*, pp. 445, 446, 459, 482. Was it Lacy's work for the prince that prevented his being "ordered a constant residence in the king's household"? *ib.* p. 445. Mrs. Sharp has found no evidence as to who was the prince's receiver between 1369 and 1375, the year of Lacy's death, see later, v. ch. xviii. § II. Can we assume Lacy went on till the end?

of Ypres, was the dependent of John of Gaunt,[1] while Geoffrey Chaucer is a famous instance of an officer of Lionel of Antwerp proceeding to the royal employment. Most interesting of all, perhaps, is the sudden promotion of William Manton, for many years wardrobe keeper of Elizabeth of Clare, and after her death, of her heir, Lionel of Antwerp,[2] to the keepership of the king's wardrobe within a year of his old mistress's death. Thus an extended and homogeneous bureaucracy arose, and its power was already attested by the murmurs of contemporary criticism.

The note of opposition to the advancement of the king's clerks had early been sounded. It was first heard from Avignon, where the curia was already looking with disfavour on Edward III.'s policy of forcing his favourite clerks into the great offices of the church.[3] Difficulties had already been encountered by Robert Stretton, the clerk and sometime confessor of the Black Prince, whose consecration to the see of Lichfield was delayed for two years by Innocent VI. During this time the unfortunate would-be bishop was thrice examined [4] as to his "literature," and as many times found wanting, twice by Islip and once by the pope. It was only in obedience to a papal mandate that Islip reluctantly consecrated him in 1360.[5]

A stronger line was taken up by the saintly Urban V., who succeeded Innocent VI. in 1362. Another illiterate official, John Buckingham, had already been rejected by Innocent, after canonical election. Urban now told the king that he was doubtful whether his keeper of the privy seal was of sufficient learning to rule so populous and noble a diocese as that of Lincoln.[6]

[1] For his career, see iv. ch. xi.

[2] He accounted as Lionel's wardrober from Mar. 30 to June 26, 1361.

[3] See above, p. 220.

[4] For the character and severity of the examination of candidates for papal provisions, see Mollat, *Les Papes d'Avignon*, p. 320. All "provisors" who were not doctors or masters were examined as to their fitness by a bureau of examiners which gave them certificates of proficiency. It formed a special department of the papal chancery.

[5] Birchington in *Anglia Sacra*, i. 44; compare *ib.* p. 449, "alio professionem legente quod ipse legere non posset." Wharton assumed from the words of Islip's register recording his profession of canonical obedience that Stretton could not read Latin!

[6] *C. Pap. Reg. Let.* iv. 134; compare Malvern, p. 365, "propter nimiam exilitatem litteraturae . . . pia ductus conscientia noluit confirmare . . . et sic tandem, mediantibus prece et pretio, ad dictum episcopatum confirmatus extitit et etiam consecratus."

Buckingham was summoned to Avignon, but the exigencies of the king's service excused him from this journey, and he was examined by a commission of Benedictine abbots in the Netherlands. On this body declaring him sufficient, Urban V. allowed him to be consecrated in 1363. Again, when Edington died in 1366, royal pressure easily procured Wykeham's election by the monks of Winchester as his successor. But Wykeham was as illiterate as Stretton and Buckingham, though he resembled bishop Bury in being a promoter in others of the knowledge which he did not himself possess.[1] His quest of preferment was well known at the curia, where a rival benefice hunter had already declared to the pope that he " went about in fear and terror of William of Wykeham " so early as 1362.[2] Urban V., however, was not disposed to criticise too closely the education of the king's favourite. He contented himself with delay and, ultimately, appointed him by provision.

It was believed that money freely spent in curialistic circles smoothed the way of open-handed officials to preferment. Moreover, Wykeham shrewdly purchased from the king the farm of the vacant temporalities of Winchester to secure the advantages of possession. His consecration in October 1367 finally established him in the see. A further shuffling of the cards, resulting from Langham's appointment as archbishop of Canterbury, left open to the bishop-elect the highest office of the state, and before September 17, 1367, Wykeham became chancellor.[3] It is doubtful whether he had more power after this elevation than he had before it. These promotions increased his dignity, but hardly added to his political authority. It is certain that to the chroniclers as to the pope he was still a pushing royal favourite.[4]

[1] " Quod minus habuit litteraturae laudabili compensavit liberalitate " ; *Ann. Henrici IV.* in Trokelowe, p. 391, R.S.

[2] *C. Pap. Reg. Pet.* i. 395.

[3] *Ch. R.* 150/2, gives a charter of Sept. 17, which includes Wykeham " cancellarius noster " among the witnesses. Compare Dugdale, *Chron. Series*, p. 48. It is perhaps significant that the memorandum as to the appointment of a chancellor, usually endorsed on the close roll, is wanting in Wykeham's case. It should perhaps be noted that he also continued to draw pay as keeper of the privy seal until Oct. 26, 1367 ; *I.R.* 433/13 (42 Edw. III. Mich. t.).

[4] John Reading, p. 178, thus writes of his election : " Cui sedi papa, literis aureis pulsatus ac precibus, providit de quodam serviente domini regis, Willelmo Wikham, timore plus quam amore pulsatus, relictis dignioribus praeelectis. Eu ! Mammona iniquitatis indignos levat in praelatos."

But his higher social position naturally encouraged him to adopt a more conservative point of view, though it was long before he outlived the ill-repute occasioned by the dubious methods of his elevation.

A further note of criticism was sounded in the parliament of 1362, which sat between October 13 and November 17. The years of peace gave further opportunities for parliamentary activity, and seldom were lords and commons more energetic than in that parliament of October 1362 wherein Edward had advanced his family to new dignities and power. A common patriotic purpose still kept the king and estates near together, and the accord was perhaps the closer since, at the moment, no exceptional demands for supplies made practical test of the zeal of the commons for a spirited foreign policy.

There is, perhaps, a faint suggestion of a growing feeling of imperial unity, when the parliament of 1362 for the first time assigned for common treatment the petitions of "England, Ireland, Wales and Scotland," while relegating to a different set of receivers the petitions of "Aquitaine and other lands and islands beyond sea." [1] A more narrowly national policy now brought about some further official use of the English language, for in this parliament Sir Henry Green, chief justice of the king's bench, set forth in English the reasons which had moved the king to assemble it.[2] In response, the lords and commons showed to the king the mischief to suitors that arose from their not understanding what pleaders said, either on their behalf or against them, by reason of the exclusive use in the courts of the French tongue, no longer generally known.[3] Accordingly, a statute was passed ordering all pleas henceforth to be made in English. Unluckily, this statute was no better kept than other acts of this parliament, such as that empowering the king to "ordain plenty of gold and silver," [4] or those discouraging luxurious expenditure

[1] *Rot. Parl.* ii. 268. The previous subdivision of petitions was between English and non-English petitions, Wales, Scotland and Ireland being lumped with the lands from beyond the sea. The arrangement of 1362 became permanent; for instance, see *ib.* ii. 283, 289 and 303.

[2] *Ib.* p. 268.

[3] "Trop desconu en le dit roialme"; *ib.* ii. 273.

[4] "Ordeiner plente d'or et d'argent." The importance of coinage reform and the restoration of stable currency is much emphasised after the policy of depreciation during the war.

and the demand of excessive wages by labourers and chaplains.[1] The petition and its acceptance showed the strength of the feeling that an Englishman should be at no disadvantage because he knew only his mother tongue.

A large proportion of the petitions of this parliament were concerned with administrative grievances. There was a renewal of the outcry against purveyance, whether for the king's, the queen's or the king's children's households, and a request that the "hated name of purveyor" should be changed into that of "buyer,"[2] and that the households of "other lords" should enjoy none of the privileges of purveyance and prise, recognised as legitimate for the royal households. All these petitions the king granted "for the ease of his people, of his benignity and own will, without motion of magnates or commons."[3] Commissions of two "good and loyal men" of each shire, and a third from the king's household, were to watch over the execution of these provisions, and the stewards, treasurers, controllers and other household officers were to be punished at the king's discretion, if they supported any action contrary to the new statutes.

The encroachments of the mayors of the staple, the excessive demands of greedy escheators, the scandal by which debts to the crown, paid to one branch of the exchequer, were demanded over again by another, were all to be corrected. The justices of the peace and labourers were to hold their sessions quarterly, and once more the commons insisted that these justices should receive adequate wages. The whole administration, out of gear through the troubles of war time, was thus passed in review, and promises were secured of amendment in the future. The reiteration of these petitions in the parliament of 1363, and the drafting of more statutes designed to remedy them,[4] showed that the promises so liberally made by the crown were not at all well kept. In the subsequent parliaments of 1365, 1366 and 1368 there were similar demands, and analogous responses to them.

[1] *C.P.R., 1364–74*, pp. 67-68, illustrates the execution of this act.

[2] "Et qe le heignous noun de purveiour soit change et nome achatour"; *Rot. Parl.* ii. 269.

[3] "Le roi de sa benignite et de sa propre volonte, saunz motion de grantz ou communes, ad grante et ordene en ese de son poeple"; *ib.* ii. 270.

[4] *Ib.* ii. 275-282. It sat from Oct. 6 to Nov. 3.

Immediate steps were taken to carry out the wishes of the commons of 1362 concerning purveyance. The controller of the king's household was appointed, on November 25, 1362, to investigate the oppressions of the purveyors for the incriminated households of the king, the queen, and the king's children.[1] The most difficult to deal with seems to have been the household of queen Philippa. We shall see later how the knot was cut by its virtual abolition, disguised politely under the form of an amalgamation of the queen's household with that of the king.[2] This was carried out in 1363, just before Barnet became treasurer.

New administrative reforms were also suggested, and had the parliaments of the early sixties known all that was going on behind the scenes their impatience with the administration would have been even greater than it was. Thus, in 1365, the commons asked that the king's bench should be fixed at Westminster or York, wherever the common bench was established,[3] but the king, though promising greater "ease to his people," would not surrender his prerogative of holding his bench where he pleased. He was as qualified in his response to the petition that commissions of the peace for each county should be enlarged and given to the "most loyal and wise men" of the county "elected by the knights of the shire before their departure from this parliament."[4] We may compare with these requests the demand, more than twenty years earlier, for the election of sheriffs by their respective shires.[5] Already the local gentry were seeking to control the royal jurisdiction which had been established to supersede the jurisdiction of the old local tribunals. The ancient claims of the baronage to control, and even nominate, the executive, were now

[1] *C.P.R., 1361–64*, p. 294.

[2] *Ib.* p. 306; *Foedera*, iii. 687; below, iv. 149-150. For details, see later, v. ch. xviii. § I.

[3] See above, p. 180. *Rot. Parl.* ii. 286: "qe le dit banc demoerge en certein a Westmouster ou a Everwyk, la ou le commune bank demoert, qe home puisse avoir sage conseil de l'une place ou de l'autre." The king's bench had been temporarily established "at York and elsewhere in the northern parts" in 1362 by the king on the advice of his council. A commission was appointed on May 30 to bring its rolls and records from the palace of Westminster to York and elsewhere in the north, with power to arrest and imprison those contrariant and rebellious in the matter; *C.P.R., 1361–64*, p. 218. Compare *ib.* p. 271, for some acts of Henry Green and his fellows there.

[4] *Rot. Parl.* ii. 286: "qe commissions de la pees soient faites a plus loialx et plus sages de chescun countee, esluz par les chivalers de countee avant lour departir de cest parlement."

[5] See above, pp. 94-95.

extended to the commons, henceforth an integral and essential part of all true parliaments. But the first attempts of the commons to assert themselves were so little successful that they are of interest as a register of demands made, rather than as a record of progress achieved.

To add to the burden of the executive of these years, certain judicial troubles were disclosed. Administrative scandals, like that in the exchequer concerning the chamberlains and the treasurer's clerk, might be hushed up, but judicial scandals attracted more publicity. They were indeed no new thing, for, as far back as 1350, Sir William Thorp, chief justice for pleas *coram rege*, had been deprived, imprisoned, and even threatened with execution, for receiving bribes ; and parliament had approved of the king's severity.[1] In 1365, a more mysterious judicial scandal arose, the result of which was that the chief justice of the king's bench, Sir Henry Green, and the chief baron of the exchequer, Sir William Skipwith, and other officials, were, by reason of their "enormous unfaithfulness," deprived of office, thrown into prison and compelled to purchase pardon by a heavy fine.[2] But the most vigorous assault on an offending official was that brought by the commons against Sir John Lee, the steward, which resulted in his deprivation and replacement by Sir William Latimer.[3] The council redressed the grievances wrought by the disgraced steward.

Wykeham had now been chancellor for nearly two years, but his promotion had scarcely strengthened his position. The accusations afterwards brought against him suggest a certain looseness of control on his part. Autocratic and contemptuous

[1] *Rot. Parl.* ii. 227. Before long, Thorp had part of his lands restored and was made baron of the exchequer, unless this be another person of the same name.

[2] Knighton, ii. 121, "propter eorum enormes infidelitates etc., Nota tu. Et se redimentes finem fecerunt regi." Knighton calls Skipwith chief justice of the common pleas, a pardonable error since he was a judge of the common bench 1359–62. It is strange that no echo of this drastic dismissal can be found in the chancery rolls, except in the appointment of their successors. These were Sir John Knyvet and Sir Thomas Ludlow, both appointed on Oct. 29, 1365 ; *Foedera*, iii. 777-778 ; *C.P.R., 1364–67*, p. 169. Green died in 1369. For his descendants under Richard II. see later, iv. 11-14. Skipwith was soon restored to office. He became in 1370 chief justice of the pleas following the king's lieutenant in Ireland, and in 1376 was back in England as justice of the common bench. For his action in 1387–88 see later, p. 423.

[3] See later, iv. 161-162.

of forms, Wykeham did not hesitate to claim for the chancellor a discretion in dealing with the routine of the office which was quite contrary to tradition.[1] Though not more corrupt than the lax code of a mediaeval official permitted, he was not above receiving gratifications from suitors.[2] The source of his difficulty is not, however, to be found here, so much as in the fact that he had no firm grasp of policy in a time when unwavering statesmanship was required. Wykeham's ability lay purely in his administrative gifts.

In 1369 the third great visitation of the Black Death spread desolation and destruction once more throughout the land, slaying, among others, Blanche of Lancaster, the wife of John of Gaunt. In the same year the death of queen Philippa left Edward III. soon to fall under the influence of his self-seeking mistress, Alice Perrers, whose power was the more dangerous since the old warrior had lost his former energy and was fast sinking into lethargy. Worst of all, the revolt of the magnates of Aquitaine had led to their appeal to the French king and the summons to the Black Prince to answer their complaints before the court of Paris. This involved the doctrine that the non-completion of the treaty of Calais by the English king had invalidated the French renunciation of all claims over Edward's French possessions. The general falling away of the newly annexed provinces immediately followed. Even Ponthieu threw off the alien yoke, and the English made no effort to save the inheritance of Eleanor of Castile.

In these circumstances, the chief direction of English policy was thrown on the chancellor. There is little evidence that he rose to the occasion. Soon after the renewal of the war, he lost the support of John Barnet, who vacated the treasury, and

[1] See, for instance, the charges of 1377 in Appendix to *Chron. Angliae*, 1328–1388, pp. lxx-lxxxviii.

[2] See *Chron. de Melsa*, iii. 135, which describes how the monks of Meaux made presents to win his support in their suits: "muneribus quibusdam non parvis regis cancellario, tunc Wintoniensi episcopo, presentatis, aliis de consilio regis renitentibus." Compare *ib.* p. 141, "In quo quidem placito omnes domini regis officiales ac ministri in curia, praeter solum cancellarium, qui propter munera vix abbati nostro favebat, dicto abbati nostro in quantum poterant nocumentorum offendicula praeponebant." The monks' grievance was apparently that they did not get as much help from the chancellor in return for their money as they had the right to expect. This suggests he was better, rather than worse, than officials were likely to be.

died within four years. His successor, Thomas Brantingham, appointed treasurer on June 27, 1369, had had an early career not unlike that of Wykeham, though he never attained so great a position. A member of that same Yorkshire family to which Ralph Brantingham, the recently disgraced chamberlain of the exchequer, belonged,[1] Thomas was by 1349 a favourite wardrobe clerk of Edward III., who begged the chancellor to present him with a small benefice because he had nothing to live on and was a good young man doing his duty cheerfully.[2] The good young man's chance came ten years later, when, raised to the cofferership of the wardrobe, he practically financed the expedition to France in 1359–60.[3] He had his reward in the treasurership of Calais, which he held from 1361 to 1368,[4] being sent to occupy that office when, as cofferer of the wardrobe, he was in the midst of engrossing William Farley's wardrobe account.[5] He then acted as keeper of the wardrobe from 1368 to 1369; and finally was made treasurer of the exchequer in 1369. Again following in Wykeham's footsteps, this household clerk became, on his promotion, the most conservative and aristocratic of ministers. Both Brantingham and Wykeham belonged to the type of court official who changed his standpoint on reaching high office. Brantingham may be specially remembered as one of the last conspicuous political churchmen whose early career

[1] See above, pp. 248-249.

[2] *C.P.R., 1348–50*, p. 433. *C.W.* 1332/68, quoted in Maxwell Lyte's *Great Seal*, p. 129, which notes that the passage containing this eulogy was either dictated by the king or written in his own handwriting.

[3] See later, iv. 139-142.

[4] *C.P.R., 1361–64*, p. 290. His predecessor, Richard Eccleshall, was already dead on May 31, 1362; *C.C.R., 1360–64*, p. 334.

[5] He began to account as treasurer of Calais on Feb. 21, 1361; *Pipe*, 207/50 (36 Ed. III.). *C.C.R., 1364–68*, p. 231; "before the same was ended he was sent on the king's service to the parts of Calais." Eccleshall had been his predecessor as cofferer as well as treasurer of Calais. Brantingham's successor at Calais, William Gunthorp, had been his predecessor as keeper of the wardrobe from 1366 to 1368. The treasurership of Calais was looked upon as natural promotion for the highest wardrobe officers. Calais, whose garrison was reckoned as part of the king's military household, was a congenial field for wardrobe officers past and present. The successive tenure of its treasurership by Eccleshall, Brantingham and Gunthorp admirably illustrates this tendency. Of these, Eccleshall accounted for Calais at the exchequer 25-35 Ed. III., Brantingham 35-42 Ed. III., and Gunthorp 42-47 Ed. III.; *P.R.O. Lists and Indexes*, xi. 43. That three men, all essentially "garderobarii," should have monopolised this office for more than twenty-two years, is also another illustration of official continuity.

carried him through the various steps of the king's wardrobe. Consecrated bishop of Exeter on May 12, 1370,[1] he was secured the revenue and status without which a treasurer was ill-equipped. The happy accident that the issue roll of the first year of Brantingham's treasurership—namely 44 Edward III.—is the only record of that class which has ever been printed enables us to study with facility his operations as treasurer.[2]

The action of the English government in face of the declaration of French hostility was correct, if not spirited. Charles V.'s repudiation of the treaty of Calais was met by a prompt resumption of Edward III.'s claim to the French crown. The necessity of this step was expounded by Wykeham on June 3, 1369, to the recently assembled parliament,[3] and on June 11 the seals in use since 1360 were handed over to the exchequer for safe keeping. The seals employed before the treaty were now to be used by the chancellor, the chief justices, the chancellor of the exchequer and the keeper of the privy seal.[4] Parliament responded by granting for three years an additional subsidy on wool, woolfells and leather, exported after Michaelmas from England. The commons' petitions emphasised the need of preparations to defend the king's rights and protect the realm

[1] He was appointed by papal provision on Mar. 5, 1370, the bull being dated from Rome, whither Urban V. had now returned; *Brantingham's Register*, i. 3-4, ed. Hingeston-Randolph.

[2] This is the *Issue Roll of Thomas Brantingham, Bishop of Exeter*, published in an English translation by F. Devon in 1835. For Devon's misunderstanding of exchequer chronology, see above, i. 41. The roll really begins on p. 280, with Oct. 1, 1369, the beginning of Michaelmas term, and of 44 Edward III. according to the exchequer computation. After the conclusion of Michaelmas term on Apr. 8, 1370 (p. 495), the student should go back to p. 1, where Easter term begins on Apr. 22, 1370. Unluckily Devon is not the only scholar who has inadvertently thought that Easter preceded Michaelmas. At the exchequer Michaelmas, the beginning of the exchequer year, always preceded Easter.

[3] The *Anonimalle Chronicle's* description of this parliament (p. 59) shows that the distinction between a council and a parliament was still vague. "Dount le roy Dengleterre assembla *soun conseil* a Loundres pur ordiner remedy pur encontre estre lour enemys; et par bone avisement des ercevesqes, evesqes, et abbes et autres clerkes de seint esglise et des dukes, countz, barones, seignours, et chiualers et mestres de divynite et doctours de la lei, reprist le noune de Frauns." The stressing of the doctors of law and divinity and the omission of the burgesses have perhaps some significance as to the popular conception of the importance of the various elements of a parliament. Contrariwise the same chronicler (p. 62) speaks of a "parlement a Londres," and held somewhere near Feb. 2, 1370, where, by agreement of the king and "les grauntez du parlement," Sir Robert Knowles was sent to France.

[4] *Foedera*, iii. 868-869; *Rot. Parl.* ii. 299-300.

from invasion rather than the usual grievances of defects in the administration.

Favourable answers were given; the alien priories were again seized; the staple was moved from Calais; John of Gaunt was sent to northern France; Edmund of Cambridge and John Hastings, the young earl of Pembroke, were dispatched to help the prince in Gascony; a truce with Scotland and an alliance with Flanders were hastily negotiated; and the castles and coasts were prepared to resist the threatened French invasion. But the expeditions sent out were on a meagre scale, and could effect nothing substantial.[1] Little was done to provide the prince of Aquitaine with adequate resources to put down the revolt of his subjects. After his last cruel triumph at Limoges, the prince retired to winter quarters, saddened by the failure of his health, the death of his elder son and the bankruptcy of his finances. Early in January 1371, he returned home to England, leaving Lancaster and Cambridge to keep alive their father's cause in Aquitaine. With the Black Prince's return to England the prospects of victory in France became remote, and the danger of French invasion seemed imminent. It was at this juncture that there assembled at Westminster the famous parliament, in which the demand for fresh subsidies was met by the cry of the disappointed war party for signal vengeance on the negligent ministers who had failed to defend the tottering English power in France. With that assembly we enter upon the last period of the reign of Edward III.

Looking back on the eleven years between 1360 and 1371, we cannot fail to notice the contrast presented by the two halves of that period. The peculiar significance of the first five years is to be found in the long succession of administrative and financial reforms which we have considered. Each of these movements in itself may have been comparatively unimportant. They attracted little attention at the time, and our knowledge of them comes from administrative records which have only gradually become accessible to scholars. Yet, taken all together, they possess

[1] John of Gaunt was sent to Gascony, with a retinue of 300 men-at-arms and 500 archers; *Brantingham Issue Roll*, p. 99. Pembroke's retinue at an earlier date in Gascony was 60 men-at-arms and 80 archers; *ib.* p. 406. The *Anonimalle Chron.* pp. 58-61 gives the best account of the fighting that centred round Calais.

a special value for the administrative historian, because, in the aggregate, they seem to represent the most sincere attempt towards administrative and financial reform made during the whole of this long reign. It can scarcely be due to mere coincidence that, in the five years after the treaty of Calais, there came about such a succession of changes as those which we have attempted to appreciate. There was, for instance, the retransference of great wardrobe accountability from the wardrobe of the household to the exchequer in 1360–61. There was also the reorganisation of queen Philippa's household establishment in 1363, and its virtual incorporation in that of the king. There were the attempts of the exchequer to balance the national finances in 1363–65; the attack on the treasurer's clerk in the receipt by the chamberlains of the exchequer in 1364–65; the inquiries into the disposal of the moneys derived from the ransom of king John in 1365, and in the same year the investigation of the judicial scandals, in which both judges and exchequer were implicated. Only a few years before these changes, there had, in 1355–56, been a complete overhauling of the finances of the chamber, which resulted in the establishment of a more friendly relation between the exchequer and the chamber. Side by side with constructive movements went the punishment of delinquent officers, and a serious effort to wipe out war-time liabilities and make the state pay its way from year to year. In result, perhaps also in intention, a large measure of financial and administrative reconstruction was attained which, with all its imperfections, showed a real development of the administrative system into a more complete and coherent whole.

To whom may we assign the credit of all these strivings after administrative reform? Were they the unconscious work of the permanent official class, labouring ever in obscurity and silence? Or were they due to the impetus of a strong reforming minister or ministers, and, if so, who may these ministers be? Did the movement go back to Edington, the reformer of the chamber, or did it begin with Wykeham, the reconciler of the curialistic with the national tendencies in administration? It is hard to believe that Sheppey and Langham did much more than carry on the policy of their predecessors, and, on the whole, it seems not unlikely that the already established co-operation between

Wykeham and Barnet, and the king's obvious confidence in both these ministers, were the most powerful factors that made for reconstruction. Wykeham's importance in administrative history has been generally recognised, but it is far from impossible that Barnet's short official career of less than ten years may have been more epoch-making than has been commonly supposed. With his retirement in 1369, Brantingham stepped into his place. But already the conditions were changed by the renewed troubles with France. The policy of the administrative reformers demanded a period of peace and retrenchment. Reconstruction after war was difficult; reconstruction with a new war looming in the distance became impossible. Cocherel, Aurai, Nájera, showed how the peace had never been a real peace. After 1367, the renewal of formal war could not be long deferred. With the breach of the treaty of Calais all efforts to cope with the old financial problems came to an end. In the inability of the ministers of the nominal peace effectively to organise the conduct of the new war, we see the first cause of their impending fall.

SECTION VI

The Last Years of Edward III., 1371–1377

On February 24, 1371, a full parliament met in the Painted Chamber at Westminster.[1] Bishop Wykeham, the chancellor, described the progress of the French arms and the weakness of the English navy. Ample grants of money were the only means of resisting the threatened danger. But the estates responded so little to this alarmist appeal that a month of fruitless debate found Easter near at hand and no grant made. It is unfortunate that neither the roll of parliament nor the story of the chroniclers throws any clear light on the course of debate, and equally unfortunate that historians have supplied the lack of evidence by conjecture. According to the generally accepted story, the parliament witnessed a new ministerial crisis, which, like the crisis of 1340–41, began with an assault on the clerical ministers of the crown. The basis for this is the fact that the petitions of the commons included a specific request that the chief offices of state should be held by "laymen of the realm who can answer for their misdeeds in the king's courts."[2] There is, also, evidence that the unwillingness of the prelates and possessioner monks to contribute to supply, without reference to convocation, further excited the indignation of the war party, and that friars, more eager for apostolic poverty than for clerical privilege, laid before parliament arguments hostile to such claims.[3] Moreover, the only chroniclers who notice the parliament's proceedings denounce John Hastings, earl of Pembroke, a youth now first attending parliament, as the leader of an attack on the church, and attribute

[1] The writs to the bishops were for a meeting on Feb. 24, but the *praemunientes* clause directed the attendance of the lower clergy on "Saturday the feast of St. Peter in cathedra," *i.e.* Saturday, Feb. 22; *C.R.* 208/1; *Lords' Reports on Dignity of a Peer*, iv. 646. *C.C.R., 1369–74*, p. 203, is wrong in giving the day as the feast of St. Peter's chains.

[2] *Rot. Parl.* ii. 304. Malvern (p. 376) attributes the petition to the lords: "hoc fuit ordinatum, ut dicebatur, ad petitionem dominorum in odium ecclesiae." Compare *ib.* p. 421; *Cont. Murimuth*, p. 210.

[3] See *E.H.R.* xxxiv. 579-582, and later, p. 271, n. 2.

his subsequent misfortunes to the vengeance of heaven on his impiety.[1]

The record of the parliament shows that no subsidy was procurable, until the king had agreed to replace his clerical ministers by laymen. That being so, the king had no alternative but to act as parliament wished. On March 24, Wykeham surrendered the great seal, and on March 26, he was replaced as chancellor by Sir Robert Thorp, chief justice of the common bench.[2] On March 27, bishop Brantingham, the treasurer, made way for a lay successor in Sir Richard Scrope,[3] and about the same time Peter Lacy was removed in favour of a layman, Nicholas Carew, as keeper of the privy seal.[4]

On March 28, the day after these changes had been effected, parliament voted a subsidy of £50,000, to be levied by an average assessment of 22*s.* 3*d.* on each parish, the amount apportioned being greater or less according to the resources of the particular parish.[5] After this, the new chancellor declared that the approach of Holy Week and Easter prevented the king from answering all the petitions at the moment, but that the clerk of the parliament would read such answers as the king was then able to make. A

[1] Malvern, p. 376, calls him "homo malae vitae, ut puta adulter publicus, qui etiam in quodam parliamento modicum ante Londoniis celebrato, stetit contra jura et libertates ecclesiae Anglicanae." Cf. Walsingham, *Hist. Angl.* i. 314-315, and *Cont. Murimuth*, p. 212, ed. Hog. This is a very cautious and veiled statement. To these may now be added the account of the parliament in *Anon. Chronicle*, p. 67, "En quel parlement le conseil nostre seignur le roy demaunderent de la clergie et des communes c mille livers dargent . . . cest assavoir de la clergie cynquaunt mille livers. Et pur celle demaunde les ditz clergie et communes treterent longe temps pur contre estre celle grevouse raunsoun; mes au darrein graunterent la dite somme par graunt manauce qils furent manasces encountre lour voluntes."

[2] *Foedera*, ii. 911, prints "decimo quarto die Martii" as that of Wykeham's resignation, and is followed by Sir James Ramsay, *Genesis of Lancaster*, ii. 15. The correct date is given in the close roll (*C.C.R., 1369–67*, p. 287), and is followed by Stubbs, *C.H.* ii. 442.

[3] *C.P.R., 1370–74*, p. 61.

[4] I cannot ascertain when Carew became keeper. He first received wages on Aug. 19, 1371, when £40 were paid him; *I.R.* 505, 45 Edw. III. East. t. This, at the normal rate of £1 a day, would push his appointment back to June, but, as wages were often in arrears, it is quite likely that he was appointed, like his colleagues, in March.

[5] *Rot. Parl.* ii. 303-304. On the same day commissions were appointed by patent to assess and levy the subsidy, with directions to go from place to place and summon six or four of the worthiest inhabitants of each parish; *C.F.R.* viii. 110-113. As half the subsidy was to be levied by Whitsuntide, there was no time to lose.

great council, or rather a further session of a selected portion of the estates, was fixed for June 8, at which the rest of the business was to be dealt with.[1] Next day, the Saturday before Palm Sunday, parliament was dismissed, and the writs for expenses issued.[2] The clergy were even more obdurate than the commons. Accordingly, to break down their resistance, the archbishops were requested to summon further convocations of their provinces for the earliest possible day.[3]

The anomalous parliament, or great council,[4] suggested by the chancellor, held its session at Winchester between June 8 and 17.[5] It was entirely a house of nominees of the crown. Only four bishops and four abbots were summoned, the former

[1] *Rot. Parl.* ii. p. 304.

[2] *C.C.R., 1369–74*, pp. 288-290. The number of days allowed for expenses varied with the distance the members had to go. The members for Middlesex and Hants were allowed 35 days, and those from Cumberland 51 days.

[3] *Ib., 1369–74*, pp. 286–287.

[4] The writs (*e.g. Letter Book*, G. p. 280), make it clear that it was a council summoned because another parliament would be burdensome. Some chronicles, including the *Anon. Chron.* (p. 68), call it a "graunt counseil," others, for instance Walsingham (i. 312), Murimuth (p. 211), Malvern (p. 376), call it "parliamentum." The record evidence is also conflicting. Thus, it is officially called "grant conseil" in *Rot. Parl.* ii. 304, and in the expenses writs of the knights (*C.C.R., 1369–74*, p. 316), but "parliament" in the expenses writs for the boroughs; *ib.* pp.316-317. In the writs of summons the knights and burgesses were instructed to "inform the king and council." It is illuminating that while the chancery clerks, who drafted at Winchester the knights' writs, called the gathering a "parliament," their brethren, who issued at Westminster the same day (June 12) the writs for the burgesses, called it a "great council." Even officials were not clear which was the proper designation of such an irregular gathering, and some men on the spot did not hesitate to call it a parliament. But a writ on *C.F.R.* viii. 128, issued at Winchester, was "by king and great council." The division of the chancery, and the simultaneous issue of writs from Westminster and Winchester, throw further light on the point discussed on p. 57, n. 2, and p. 80, n. 3 above.

[5] This later date was that of the "writs for expenses," which were issued as for an ordinary parliament; *C.C.R., 1369–74*, p. 316. The time allowed varied from 9 days for the members for Hampshire to 25 days for those from Northumberland, Cumberland and Westmorland. John of Ypres, the controller, who represented Lancashire, drew expenses for 21 days. At Westminster he had drawn expenses for 49 days; *ib.* p. 290. Yet his office implied attendance at court. The expenses were an additional perquisite for a household officer who happened to represent a northern constituency. A household officer as a knight of the shire was, I suspect, a new phenomenon. But Nicholas Carew, the lay keeper of the privy seal from 1371, had been knight of the shire for Surrey in 1360, and was so again in 1377, after he had abandoned the privy seal. See later, p. 276, n. 4, and 309, n. 3. Richard Scrope, the new treasurer, had been knight of the shire for Yorkshire in 1365. *E.A.* 397/5 shows that the king and his "familia" moved from Windsor to attend the council at Winchester. Edward sent before him arms and armour for 100 men-at-arms.

including the bishop of Winchester, but neither of the archbishops. Of secular lords, there were seven earls, but only five barons. Each shire was " warned " to send one of its former members and each borough one, the individual being in all cases specified by name, though, in the event of death, his surviving colleague was to attend in his stead. The city of London was to send two representatives, so that the whole assembly consisted of 8 spiritual lords, 12 secular magnates, 37 knights of the shire, 77 citizens and burgesses, and 7 barons of the Cinque Ports.[1] If we could trust the expenses writs, the response of the boroughs would seem exceptionally meagre. Though the 37 knights were all allowed expenses, only six citizens and burgesses received pay, and all these from places near at hand.[2] Meanwhile the levy of 22*s.* 3*d.* was collected as far as was possible,[3] and it was perhaps to make things easier for this that it was proclaimed, on June 12, that it had been agreed, both at Westminster and Winchester, on the petition of the commons, that no import on wools beyond the usual custom was to be imposed without the assent of parliament.[4]

Two matters of business only were mentioned in the summonses to Winchester, the apportionment of the subsidy and the report from each representative as to the number of parishes in his shire. But already by April 27, the council had ascertained that the original assessment was inadequate, and it apologised for the small number summoned, on the ground of the saving of labour and expense which the restricted representation involved.[5] When the " great council " had assembled, the chancellor showed the inadequacy of the assessment, and the " magnates and

[1] The writs are summarised in *C.C.R., 1369–74,* pp. 297-300, and the essential parts printed in full in *Lords' Reports,* iv. 650-653.

[2] *C.C.R., 1369–74,* pp. 316-317; Prynne, *Parl. Writs, A fourth part of a Brief Register, etc.,* pp. 289-293. These were the members for Rochester, Canterbury, Southwark, Chichester, Winchester and New Salisbury. The citizen of Rochester was the only one who had had an expenses writ in March. At that date thirty-six borough members from eighteen constituencies received such writs; *C.C.R., 1369–74,* p. 290. This disproportion possibly justifies the suggestion in the text: but it is certain that the non-receipt of an expenses writ does not prove the absence of a citizen or burgess from a parliament to which he had been elected. Thus, in June 1371, a burgess of Lynn attended parliament, though, after the fashion of Lynn members, he sued for no expenses writ; May M'Kisack in *E.H.R.* xlii. 588. I have discussed the whole question later. See below, pp. 291-293.

[3] *C.C.R., 1369–74,* p. 306, shows this. [4] *Ib.* p. 314. [5] *Ib.* pp. 297-299.

commons" agreed that it should be raised to 116 shillings for each parish, the 22*s.* 3*d.* already collected being allowed as a rebate. The only local exception allowed was the county of Chester, whose palatine privilege of exemption was thus formally recognised. The lands of holy church, brought into mortmain before 1292, were also declared exempt. Fresh commissions for assessment were issued on the very first day of the council, in which a total sum was assigned to each administrative area.[1] The postponement of the first levy from Easter to Martinmas was the penalty paid for the blunder.

The petitions, not dealt with at Westminster, were then replied to by the king, and the assembly broke up.[2] In the form in which the petitions are enrolled, it is not clear which were answered at Winchester and which at Westminster. We are therefore left to guess whether it was in March or in June that the king replied to the anti-clerical petition that he would ordain on this matter what should seem best to him, by the advice of his good council.[3]

Such are the known facts as to the parliament of 1371. It remains for us to endeavour to interpret their significance. Stubbs and other writers have perhaps read into its history rather more than can be found in the sources, and have overstressed the anti-clerical motive to the exclusion of other reasons for action which were perhaps equally potent. Pembroke may well have been an opponent of the clergy, but it is difficult to believe that this young man of twenty-three should have taken the prominent share assigned to him in the deliberations of the estates. So far as he did, he was the spokesman of the war

[1] *C.F.R.* viii. 124-128. The "liberty of Durham" was included in the exempt land of holy church, but the bishop was ordered by king and great council to raise the same quota in his franchise and let the king have it by the same date. The sums assigned to the shires are significant. The highest were Norfolk £4674, Lincoln £3636, York £3132, and Suffolk £2926. Then came Kent, Somerset, Essex, all over £2200, and Devon £2149. These were all more than £2000. At the other end were Westmorland £195, Rutland £255, Lancashire £336, and Northumberland (excluding Durham) £348. Middlesex was charged £365, and London £638.

[2] *Rot. Parl.* ii. 304. The petitions and their answers are enrolled in *ib.* 304-308. This was on June 12, when the expenses writs were issued. See n. 2, p. 269, above.

[3] *Ib.* p. 304, "Le roi ordeinera sur ceo point, sicome il lui semblera meltz par avis de son bon conseil."

party rather than of anti-clericalism. He had won credit in the early operations of the renewed war; he was to be sent a few months later to succeed John of Gaunt as the king's lieutenant in Gascony, and his whole heart was set on the vigorous prosecution of the operations which had languished under the cautious direction of the ecclesiastical ministers. It is most improbable that he was the author of the remarkable speech which Wycliffe, many years later, reported as coming from a "lord more experienced than the rest." [1] The sentiments of the speech are not inconsistent with the indignation of the war party that the clergy refused to pay any taxes unless voted in convocation, when by rights men who could not fight ought to contribute a larger share of taxation than the fighting layman.[2] But the elaborate parable of the clerical owl, dressed in the feathers of the lay birds, who, when danger had come, demanded back their gifts, and finding the owl obdurate took them back by force, looks more like a literary exercise of the reformer than an actual speech. If it were ever made in parliament, it might well have suited the temper of the lords of 1371, and Stubbs' conjecture that Richard Scrope might have been that experienced lord is possible.[3] The clerical denunciation of Pembroke is doubtless based on the real facts in his history, but it is little more than a conventional condemnation of a magnate of loose life, rash policy and earnest desire to subordinate all things to the war.[4] It is, however, certain that Pembroke was high in the confidence of the king and court. He had been the affianced husband of Edward's dead daughter, Margaret, and was the actual son-in-law of Sir Walter Manny, the veteran warrior and compatriot of queen Philippa.[5] He was still the "much loved son" of the king, and the natural successor to the prince of Wales and the duke of Lancaster in Aquitaine.

[1] "unum dominum peritiorem ceteris"; *De Civ. Dom.* ii. 7.

[2] This is well illustrated by the remarkable "articles" submitted by two friars to this parliament, which Mr. Galbraith has printed in *E.H.R.* xxxiv. 579, 582. But when friars and laymen join against prelates and possessioner "religious," anti-clericalism is rather limited in scope.

[3] *C.H.* ii. 440. Compare *Fasciculi Zizaniorum*, Introd. p. xxi, and Workman, *John Wyclif*, i. 210-211. But is it not rash to assume that a vague word like "dominus" means "lord of parliament," much more, as Dr. Workman puts it, "a certain peer"?

[4] *Cont. Murimuth*, p. 212; Walsingham, *Hist. Angl.* i. 315, quoted in Stubbs, *C.H.* ii. 441.

[5] *Foedera*, iii. 941.

The ministerial changes are significant, and show the strength of the combined anti-clerical and pro-war tides. Wykeham and Brantingham owed their fate to that dread of rash military enterprise which characterised the conservative episcopate from the days of Wykeham to those of his successor, Henry Beaufort, a good generation later. But Wykeham's disgrace must not be over emphasised. There was no danger of his being made, like John Stratford, the scapegoat of the clerical party. He remained on fair terms with the king; he personally attended the elevation of the new chancellor and the delivery of the various seals,[1] and he was one of the four bishops summoned, within a few weeks, to the irregular "parliament" at Winchester. The serious attack on him came six years later, and for the present he remained, perhaps, under a cloud, but still consulted and honoured. The new lay appointments had a real significance, for laymen remained at the chancery and treasury for some six years, a considerably longer time than their period of office after the changes of 1340. Moreover, the lay control was now more absolute than it had been thirty years earlier. There was no attempt on the previous occasion to have a lay keeper of the privy seal, for a clerical keeper was the brain of the attack on the clergy. Neither was there in 1340–41 any lay controller of the wardrobe, and the 1371 revolution found a lay controller already in power.

An examination of the list of officers, whom parliament required to be "lay Englishmen," is instructive, especially if it be compared with the actual appointments made. The parliamentary petition specifies the chancellor, the treasurer, the keeper of the privy seal, the barons of the exchequer, the chamberlains of the exchequer, the controller, and, more vaguely, the other "great officers and governors of the realm." This list has its points of resemblance and contrast with the list of ministers whose appointment by the baronage in parliament had been required by the parliament of 1341.[2] The difference of the request made in 1371 from that of 1341 may partly account for the variety of the phrasing. But, in the later year, an even larger measure of success was obtained by reason of the politic refusal of parliament even to suggest that the king should hand

[1] *Foedera*, iii. 911-912.

[2] See above, p. 132.

over to the estates the nomination of his ministers. We have seen already that the three chief officers enumerated were chosen by the king from lay Englishmen. We know also that the controller of the household was already an English knight.[1] This represents a fair measure of acquiescence in the petition. But beyond this the king did not go.

Neither the barons nor the chamberlains of the exchequer were changed. Only three barons, instead of the accustomed four, are known to have been acting at this period. Of these the chief baron, Sir Thomas Ludlow, was appointed in 1365, and retained office until 1374. Not only was Ludlow a knight, but his predecessor, and his three successors, also belonged to the military order. After the retirement of Gervase Wilford in 1361, the chief baron was a layman for the rest of Edward III.'s reign. On the other hand, the secondary baron, Emery Shirland, appointed in 1366, was a king's clerk, but remained undisturbed in office till 1373, when another clerk became his successor. The only other baron known to have been acting then was John Stokes, king's clerk, and the three junior barons, appointed between 1373 and 1377, were also clerks. It is certain, then, that the petition was entirely disregarded as far as the barons were concerned. It was also ignored as far as it related to the chamberlains, for the two clerical chamberlains, William Moulsoe, appointed in 1365, and Adam Hartington, appointed in 1369, remained in office till 1375 and 1376 respectively, and were both succeeded by clerks.[2]

As to the remaining "great officers and governors," the phrase is too vague to be tested. There were few other changes anywhere, for Henry Wakefield, king's clerk, remained keeper of the wardrobe until the pope provided him in 1375 to the bishopric of

[1] "Controller" is an ambiguous word, but I feel sure that "controller of the household" was what parliament meant. Stubbs' (*C.H.* ii. 442) "controller of the exchequer" is unhappy, but Stubbs never troubled himself about household organisation. The chamberlains of the exchequer were indeed controllers in the receipt, but they had been already mentioned. The only other "controller of the exchequer" was the "controller of the great roll," who both before and after this time was nominated by the chancellor of the exchequer. All through the reign, Dr. Broome's lists show that these officers were king's clerks.

[2] As the "Beauchamp chamberlain" was still nominated by the earl of Warwick, it is hard to see how the action of king or parliament could have affected the persons chosen to this office. Hartington was the Beauchamp nominee in 1371.

Worcester. Other changes, made just before parliament met, were from one layman to another, and therefore have no significance in this relation.

The ministerial crises of 1340–41 and 1371 have often been compared, but, except for the fact that in each case the attack was directed against clerical ministers, there is incomplete analogy between the two situations. The essential factor on the former occasion was the friction between the ministers of the household and the great officers of the state. In 1371 there is not the least suggestion of such trouble, for both household and political officers were regarded by all parties as falling within the common category of ministers of the crown. In 1341 parliament supported Stratford and the displaced ecclesiastics. In 1371 parliament demanded that there should be no more clerical ministers. In 1341 parliament claimed that the ministers should be appointed in parliament, and in 1371 it carefully recognised the royal right of nomination, being content with suggesting the type of minister it preferred. In 1341 there was a definite conflict between king and parliament, and in 1371 royal influence, if exercised at all, was mainly concerned with the unostentatious pulling of the wires of parliamentary policy. What conflict there was, was between parliament and the church, and it is probable, although not certain, that the king was on the parliamentary side. The feature most clearly in common was the fact that the conduct of the war was the main issue which in both cases stirred men's minds. The great officers fell, on both occasions, because they were thought to have been remiss in the prosecution of the king's rights against the national enemy. In 1371 the only victims were a few highly placed ministers. There was nothing corresponding to the attempt, abortive though it proved, to purge both central and local administration by removing judges, clerks of chancery and exchequer, sheriffs and escheators. Similarly no inquiry was suggested in the later year as to the abuses of the administration and the misdeeds of the ministers. Though neither revolution produced much result, the earlier one was the more sweeping in intention, and brought about the greater constitutional consequences. No broad principles, such as the limitation of the peerage, the rights of peers to be tried by peers, or the authority of parliament over the administration, were broached in 1371.

The rights of parliament were now fully accepted, but parliament itself was content to leave administration to the crown.

The motives of the actors and the policy they upheld are difficult to discern. Even the traditional parties of court and country are hard to disentangle, and the personal antagonisms, which were strong five years later, were either non-existent or undiscoverable. The earlier careers, and the personal connections, of the newly promoted ministers, throw little light on these problems. The removal of Peter Lacy from the privy seal cannot be reconciled with the view that the prince of Wales inspired the opposition, for Lacy was so much in his confidence that he had combined with his keepership his old post of receiver of the prince's revenues. An anti-clericalism, supported by the Black Prince, must have been opportunistic rather than fundamental. And, apart from the objection to clerks as ministers, the only anti-clericalism shown was a tendency to make the clergy pay more taxes than they thought their fair proportion. But the feeling was common to all parties and classes that the clergy, who could not fight, should be the more heavily taxed. Wykeham himself was criticised in clerical circles as having advised the imposition of a forced loan on the clergy in 1370. The chronicle of St. Mary's, York, complained bitterly of the seizure of a convent manor to finance a French expedition.[1] This may, indeed, show that Wykeham was not only unpopular with the estates but with his own brethren. There was nothing in 1371 corresponding to the anti-clerical propaganda of 1341.

John of Gaunt has been accused of instigating the attack on clerical ministers, but he was even more innocent than the prince of Wales. He was all the time in Aquitaine, where he was acting as his brother's lieutenant, and so closely in his confidence that the prince entrusted him with the burial of his elder son, who died at Bordeaux on the eve of his departure. Of all the lords of parliament, Pembroke alone was accused with some reason of attacking the church. But the anti-clericalism condemned by the chroniclers expressed itself at least as much in the increase of clerical taxation as in the removal of clerical ministers. For both alike the responsibility was with the commons.

[1] *Anon. Chron.* p. 63. It also denounced the taxes levied "a graunt empoverischment de la clergie et de les communes"; *ib.* pp. 67-68.

Pembroke's leadership has been, as we have seen, overstressed. There were no good grounds for believing that the new chancellor was his dependent. Robert Thorp was a successful lawyer, who, since 1356, had been the chief justice of the common bench.[1] It was more than unlikely that he was, as has been imagined, the second master of Pembroke Hall, Cambridge, founded nearly twenty-five years earlier by the widowed countess Mary of Pembroke, and therefore specially bound to follow the lead of the house of Pembroke.[2]

The new treasurer, Richard Scrope, was a man of higher position. His father and his uncle had both been prominent lawyers, politicians and warriors in the early part of the reign, and had established their local position as Yorkshire magnates. His father, Henry Scrope, had been in turn chief justice of the two benches and chief baron of the exchequer, and had laid the foundations of the greatness of his house. Geoffrey Scrope Henry's younger brother, won a high position as a lawyer and judge, and, moreover, acquired the absolute confidence of Edward III. as one of his chief diplomatic and military counsellors in the Netherlands.[3]

With such kinsmen, Richard Scrope found it easy to make his career, which was furthered, as well, by his attachment to the service of John of Gaunt, who, as earl of Richmond, was the natural patron of a Wensleydale landholder. Richard, already a knight, and a representative of Yorkshire in the parliament of 1365,[4] was, in 1367, one of John of Gaunt's retinue in the

[1] He was appointed on June 27, 1356; *C.P.R., 1354–58*, p. 408. On Oct. 1 he received a grant of £40 for life from the exchequer to maintain more decently the order of knighthood which he had taken at the king's command.

[2] Thorp is too common a name to make it safe to conclude that every Robert Thorp is necessarily the same person. Robert Thorp is said to have been "second master" of Pembroke Hall from 1347 to 1364, but we may dismiss the statement, though repeated by Stubbs (*C.H.* ii. 442), that the chancellor was "master of Pembroke Hall, the favourite foundation of the house of Pembroke." Membership of a university or college in the fourteenth century involved clergy, and clergy was incompatible with knighthood.

[3] See above, pp. 46, 48. Henry Scrope the elder died in 1336, and Geoffrey in 1340.

[4] *Return of Members of Parliament*, i. 176. It is interesting that so many of the newer ministers were now winning parliamentary experience in the commons. Among them were Sir John of Yprcs, another of John of Gaunt's followers, and member for Lancashire in 1369 and 1371; pp. 182, 184, and Nicholas Carew, member for Surrey in 1360 and 1371; *ib.* pp. 165, 198.

Nájera campaign[1] and received a considerable annuity in consideration of his services.[2] His marriage with a daughter of William de la Pole closely connected him with the capitalist interest, and it was natural that he should be personally summoned to parliament. This, his first appearance among the parliamentary magnates, was followed within a month by his appointment as treasurer. For the rest of his life he took a foremost place, and always in close alliance with John of Gaunt. Meticulous and litigious as to his rights,[3] liable even towards the end of his career to the reproach of the old nobles that he was the son of a "man of law," he was soon to show his magnificence by the number of his foundations, and by the creation of a stately home at Bolton[4] in Wensleydale, one of the earliest of the manor houses that combined with the security of a castle the luxury of a palace. His rank, wealth and connections, his experience in the field, administration, law and politics, made him a strong representative of the educated new nobility that was now wresting from the clergy their monopoly of high office.

Even before Richard's appointment, his cousin, Sir Henry Scrope, had become steward of the household in succession to Sir William Latimer. He, too, was a man of military, diplomatic and administrative experience, and had sat in parliament among the magnates since 1350.[5] A former warden of Calais and of the Scottish March, he further strengthened the war party. The succession of Sir Richard Pembridge to Sir Alan Buxhill, as king's under-chamberlain,[6] completed the personal changes in the ministry during this parliament.

Whatever the motives underlying the acts of the parliament of 1371, the chief ministers continued to be laymen until nearly

[1] Dugdale, *Baronage*, i. 654, from *Gascon Roll*, 79/3, 40 Edw. III.

[2] In Nov. 1367 John of Gaunt granted Scrope £40 a year from the issue of one of his Yorkshire manors, "pour le bone et agreable seruice lequelle il avoit fait et alors ferroit." When, in 1372, the honour of Richmond passed from John's hands, the annuity was charged upon another manor; *John of Gaunt's Register*, i. 230-231, ii. 115.

[3] For instance, his famous suit against Sir Robert Grosvenor as to their right to bear the arms azure, a band or; *Scrope and Grosvenor Roll*, ed. Nicolas.

[4] The license to crenellate was granted in 1379; *C.P.R., 1377–81*, p. 369.

[5] In later times Henry Scrope is called the "first baron Scrope of Masham," and his cousin Richard "first baron Scrope of Bolton." He was already acting as steward on Jan. 29, 1371, *Ch.R.* 152/8 (45 Edw. III.).

[6] See below, iv. 339.

the end of the reign. Chancellor Thorp died suddenly on June 29, 1372, and was succeeded by his friend and executor, Sir John Knyvet, like himself an elderly lawyer, who, in 1361, had been appointed justice of pleas *coram rege*,[1] and chief justice in 1365.[2] Knyvet remained in office for nearly five years, and with him on January 11, 1377, the lay chancellor disappeared for a season.[3] If a bishop was impossible as chancellor, a judge was the only practicable alternative. The remarkable extension and consolidation of the judicial aspect of the chancellor's work, characteristic of the period, cannot but have been stimulated by six successive years of legally trained chancellors.

Laymen remained at the chancery as long as at the treasury. Richard Scrope had had four and a half years of office when he was succeeded on September 26, 1375, by another knight, Sir Robert Ashton.[4] The new treasurer had had administrative experience in Ireland, serving as chancellor from 1364 to 1367, when Lionel of Clarence was viceroy,[5] and as king's lieutenant from 1372 to 1373.[6] Between these Irish appointments, he had been admiral of the fleet from the Thames towards the West.[7] He had, therefore, like Richard Scrope, military as well as administrative experience. He abandoned the treasurership on January 11, 1377,[8] but only because he was already secure of the post of king's chamberlain.[9] For the short remainder of the reign, Adam Houghton, bishop of St. David's, acted as chancellor, while the treasurer was Henry Wakefield, bishop of Worcester, the outgoing controller of the wardrobe, appointed on the same day as Houghton. The bishops had come back to their own again.

[1] *C.P.R., 1361–64*, p. 123; the customary exchequer grant, "because he was unsufficiently provided to maintain his estate," was made to him on Sept. 30 of that year.

[2] *Foedera*, iii. 777 (Oct. 29).

[3] Knyvet was appointed on July 5, 1372; *ib.* iii. 951, and replaced on Jan. 11, 1377; *ib.* iii. 1069.

[4] *C.P.R., 1374–77*, p. 169.

[5] *Ib., 1364–67*, pp. 25, 383; *Foedera*, iii. 752, 822. He served from Oct. 24, 1364, to Feb. 20, 1367. The Irish chancellors still received the "issues of the seal" as their emolument of office.

[6] *C.P.R., 1370–74*, pp. 182, 226, 340. He was succeeded by William of Windsor in Sept. 1373.

[7] *Ib., 1367–70*, p. 239.

[8] *Foedera*, iii. 1069.

[9] He witnessed, as chamberlain, the transfer of the seals on Jan. 11 on the same day that he had resigned them. The bishop of Worcester witnessed the transfer as treasurer.

The succession to the household offices gives us little clue to the policy of its two lay chiefs. Pembridge was replaced as under-chamberlain by William Latimer, who, because the hereditary chamberlain was a minor, as acting chamberlain combined in his person the two offices of hereditary and subordinate chamberlains, from 1372 to 1376.[1] His successors, Roger Beauchamp (1376) and Robert Ashton (1376–77), represented the renewed ebbs and flows of party influence. Henry Scrope held the office of steward only for a few months, and was succeeded by a rising north country lord, Sir John Neville of Raby, who was a retainer of John of Gaunt[2] and the brother-in-law of Latimer, the chamberlain. Neville continued to act as steward until he was removed by parliament in 1376. Thereupon Sir John of Ypres, for eight years controller of the household, was transferred to the more knightly post of steward, and retained that office for the rest of the reign. Another layman, William Street, "king's sergeant,"[3] was put in the wardrobe as Ypres' successor. A layman also remained at the privy seal, for Nicholas Carew continued to keep it for the rest of the reign. No stress was laid by any contemporary source, either on such continuance of lay officers in ancient clerical preserves, or on the few reversions to clerical custody. It is unsafe, therefore, to draw any inference from them, save the vague platitude of the general recognition of the widening of the lay sphere. Yet Carew and Ypres owed their continued power, not to the fact that they were laymen, so much as to the satisfaction which they gave to their employer. If any undue influence helped them, we may be sure that this came from their patron, John of Gaunt, who by that time had become the power behind the throne.[4]

[1] See below, iv. 339.

[2] *C.P.R., 1370–74*, p. 46, a royal inspeximus of indenture of Nov. 10, 1370, by which Neville received 50 marks a year in peace and 500 m. a year, besides the king's wages, in war for himself and his retinue. *John of Gaunt's Register* (i. 75, 78, ii. 15, 93, 134, 187, 190) affords evidence of constant loans of Neville to John between 1370 and 1373, repayable from the duke's receivers.

[3] *C.C.R., 1374–77*, p. 158.

[4] For John of Ypres's relations to John of Gaunt, see later, iv. 157-159. Among the other appointments which John of Gaunt procured for his friends was that of Ralph Erghum, doctor of civil law, his chancellor, to the bishopric of Salisbury in 1375; Malvern, p. 383, "contemplatione ipsius ducis, auctoritate papali."

It has been suggested, even by Stubbs,[1] that the lay ministers were less efficient than their clerical predecessors. The gross blunder as to the number of parishes in England, which compelled the summoning of the Winchester council to reapportion the subsidy, has been considered by him as evidence that the lay ministers did not understand their business. This contention cannot be seriously maintained. For one thing, the miscalculation occurred the very next day after the appointment of the new treasurer, and for another, the calculation of the number of parishes, and the consequential apportionment to each of the amount of subsidy payable, was work which would certainly fall, then as now, to the subordinate staff of the office. We have seen that the exchequer staff was absolutely unchanged, and was neither less nor more clerical after Scrope's appointment than before it. The aspersion cast upon lay efficiency is, therefore, unwarranted. If the exchequer were the real culprit, a preponderatingly clerical staff was responsible for the error unfairly attributed to the lay treasurer.

It is creditable to the exchequer officials that the mistake was discovered within a month,[2] and that the delegates to Winchester were requested to bring with them a report as to the number of parishes within their shires. The probable cause of the trouble was the indecent haste with which parliamentary proceedings were hurried through to save expense and avoid criticism. Perhaps the chief blame for the bad guess should be attributed either to the commons' spokesman, or to the committee of lords which advised the commons.[3] Yet, perhaps, an even more likely reason for the error was the acceptance in the office of the widely spread tradition as to the number of parishes in England. It is a proof of the efficiency of the exchequer that,

[1] *C.H.* ii. 443. "The extraordinary ignorance . . . showed that a sudden transfer of power into lay hands was not without its disadvantages." This view is repeated in Sir James Ramsay, *The Genesis of Lancaster*, i. 15, and by myself, *Pol. Hist. of England, 1216–1377*, p. 433. This is only one of many points on which, on reconsideration, I have been led to modify my views as to the parliamentary and administrative history of this period.

[2] Scrope was made treasurer on Mar. 27; the grant was made on Mar. 28; the error was discovered early enough for writs of summons to Winchester to be issued on Apr. 27.

[3] Stubbs shrewdly hints at the possibility of parliament having the real responsibility, but he could not resist the chance of a little dig at lay incompetence.

on the discovery of the mistake, it set an early example of the official collection of exact statistics, which was a real step forward in administrative progress.[1]

Thus, there was certainly no clear cut issue in 1371 between laymen and clerks, either as to their desirability or as to their competence. The root of the matter was that there were very few persons of either class who were fit to hold high office. Of the large number of fairly adequate administrators of humbler status, the majority, perhaps, were still clerks, though an increasingly large number were educated laymen. As far as the great ministries were concerned, there was no wide field for selection. It was already clear that the only possible alternative to the clerk in high office was the lawyer. This meant in practice, the lay lawyer, for the clerical lawyer was restricted to spheres where canon or civil law prevailed, and the old-standing canonical limitations on pleading by clerks had already been made effective by the establishment in the London law schools of sound education for the exponents of the common law.[2] The well-endowed baron, who still claimed to be the natural councillor of his sovereign, was too ill-trained in the technique of office, too much absorbed in his own affairs, or too eager to pursue a martial career in France, to be a serious competitor. But he still retained both his pride of place and his dislike of the expert. The commons shared to some extent in his prejudices, and the tendency of the professional politician to grind his own axe could hardly escape their notice. This dislike of the expert was one source of the demonstration against the clerical minister in 1371. Within

[1] It seems that it was a general impression at the time that there were forty or forty-five thousand parishes in England. Higden, in his *Polychronicon*, ii. 90, gives the exact number as 45,002. Now Higden died in 1364, and his chronicle was already largely used. Stubbs gives this reference as additional proof of the untrustworthiness of mediaeval figures. This cannot be gainsaid, but the statement of Higden shows that the excessive number of parishes was a common delusion, and makes it extremely unlikely that the exchequer blunder was based upon a special inquiry. Yet an inspection of the subsidy rolls preserved in the exchequer would have shown the clerks the number of "villae" and "burgi," and the ecclesiastical "taxations" the approximate number of parishes.

[2] The *Mirror of Justices*, pp. 47-48, lays down that pleaders must not be "men of religion, ordained clerk above the order of subdeacon, nor beneficed clerk with care of souls." Though this still left room at the bar for the tonsured clerk or the clerk in minor orders, it helped to differentiate the clerical and legal professions.

a year, it was clear that the lay legislator included in his condemnation the man of law equally with the cleric.

The next parliament, in November 1372, witnessed an outburst against lawyers more marked than the outcry of 1371 against clerks. The commons sent a petition to the king, which rehearsed the inconveniences that arose when lawyers, practising on behalf of individual clients in the king's courts, were returned to parliament as knights of the shire, as they caused petitions to be made from parliament on behalf of individuals which in nowise touched the commons as a class. They therefore prayed that no such lawyer, and no sheriff, should be returned, or accepted, as knight of the shire, and that such lawyers or sheriffs, if returned, should be allowed no wages, for knights of the shire should be knights or "sergeants" of good local reputation, and should be elected in full county court. This was the only petition of this parliament which was embodied in a statute.[1]

The other petitions were largely inspired by the distrust of officials which marks this petition. The commons complained that chancery clerks exacted excessive fines, that clerks of the king's bench attracted jurisdiction from the common bench, that king's councillors overrode statutes by administrative action, and packed juries, empanelled by sheriffs, that escheators seized unlawfully the estates of subjects, that justices of the peace and of labourers, by reason of not receiving wages from the crown, performed their office remissly. They were especially concerned with the abuses of the ecclesiastical courts, and with ordinaries who took moneys from clerks keeping concubines.[2] A distrust of the professional expert inspired all their acts.[3]

[1] *Rot. Parl.* iii. 310; *Stat. of Realm*, i. 394. It is interesting that the commons request was that "une ordenance" should be made in parliament on this matter. The differentiation of statute and ordinance does not seem to have been complete even so late as 1372.

[2] *Rot. Parl.* ii. 311-315. The argument for paying the justices of the peace and labourers was re-emphasised in 1376 by the Good Parliament; *ib.* ii. 333, "et qe gages y soient assignez as ditz justices pur leur sessions faire convenables: qar saunz gages ils n'ont cure de faire leur sessions."

[3] Stubbs, *C.H.* i. 445, suggests that the "gentz de seinte eglise" may have inspired the attack on the "gentz de ley." Like Maitland, though from a contrary prepossession, he overstresses the conflict of clerk and lawyer. The parliament of 1372 complained of both professions and all officers so impartially, that we may safely attribute their action to a common prejudice against experts rather than a bias against any single calling.

Meanwhile failures in France showed that the English soldier was no longer invincible. In 1371, the Black Prince returned home sick from Aquitaine. In 1372, his successor, Pembroke, lost liberty and his fleet off La Rochelle, and all Poitou fell away. These failures inspired the old king to a desperate attempt to take the field in person. On August 27, he embarked on the *Grace Dieu* at Sandwich, but did not at once set sail. On August 31, he appointed his little grandson, Richard of Bordeaux, a child of five, keeper of the realm during his absence.[1] On the previous day, chancellor Knyvet surrendered the new great seal to Edward, who ordered it to be kept by the treasurer unopened during his absence. No seal of absence was employed, but the old great seal of the years of peace, from which the title of king of France was omitted, was used for the purpose. With that instrument Knyvet issued writs, firstly at Canterbury,[2] but mostly from Wallingford, in the name of the infant regent. Edward remained on shipboard from August 27 to October 14,[3] but contrary winds prevented his sailing, and at last he renounced his plans and hastily returned to Sheen.[4]

In 1373 John of Gaunt made a futile march from Calais to Bordeaux. He was still engaged in his hopeless attempt when lack of money compelled the meeting of another parliament on November 22, 1373. The commons were told that supply was so urgently needed that it must precede the consideration of its petitions.[5] In their perplexity they asked for the advice of a committee of eight magnates; and three bishops, three earls and two barons were assigned for the purpose. What the political complexion of this advisory board was, we will consider later. For the moment, it is enough to say that perfect harmony prevailed between it and the commons, and that only a week separated the opening of parliament from the grant of the aid.

[1] *Foedera*, iii. 962. The ceremony took place "in aula ipsius regis in nave predicta."

[2] It is interesting that now in 1372 Knyvet's "hospicium" at Canterbury was in St. Gregory's priory (*Foedera*, iii. 562), which had been recognised as the place for the chancellor to lodge when at Canterbury so early as 1293; *Cal. Inq. Misc.* i. 455.

[3] *E.A.* 397/5 show that the king's "hospicium" was "in nauibus" between those dates.

[4] Walsingham, i. 315.

[5] *Rot. Parl.* iii. 316, "qe toutes maneres de petitions et autres singulers busoignes demoergent en suspens tant qe ceste soit mys a bon fyn et exploit."

The war taxes, voted on November 29, were granted subject to conditions, chief amongst which was the provision that they should be appropriated strictly to the expenses of the war, and suppressed if it came to an end. No more was said about the priority of supply over petitions, but the haste shown in winding up parliament suggests that the king was glad to get rid of its restraining influence. Edward was perhaps the more inclined to this course since convocation, inspired by the young aristocratic bishop, William Courtenay of Hereford, had shown a strong reluctance to grant a subsidy, Courtenay hotly declaring that neither he nor his clergy would pay a penny until the king had remedied the long-felt grievances of the clergy.[1] Anyhow, in thanking the lords and commoners for their supplies, the king announced that petitions could still be delivered for two days more, and that any of the commons who chose might remain to wait for the answers to their petitions, and to receive writs of expenses,[2] which were issued on December 10.[3] The petitions thus hastily drafted were of the usual kind, and received the ordinary polite but dilatory answers.[4] Even the remarkable unity of purpose that now united king, magnates and commons did not prevent the recurrence of criticism of the administration. It is clear, however, that the king's conciliatory attitude was forced rather than spontaneous. More than three years were to elapse before Edward courted rebuff by summoning another parliament. When he did so, the crisis at last came.

I have considered the parliament of 1373 as a body united on the question of carrying on the war vigorously, even if that course involved real financial sacrifice. It is more usual, however, to regard it as the preparation for the famous conflict which broke

[1] Wilkins, *Concilia*, iii. 97.

[2] *Rot. Parl.* ii. 316-317. It was only after the grant of supply that the receivers and triers were appointed.

[3] *C.C.R., 1369–74*, pp. 611-613, to seventy-three knights of the thirty-seven shires normally represented in parliament, the only omission being caused by the failure of one member for Hampshire to sue for his writ. But only eighteen members for nine boroughs had their writs enrolled. For the significance of these figures, see later, pp. 291-293. Expenses were allowed for nineteen days to the members for Middlesex, and for thirty-five days to those for Northumberland. The varying number of days allowed in each case suggests what the chancery clerks thought a good day's travelling distance, though four days from Westminster to Bedford seems liberal as compared with two days to Canterbury.

[4] *Rot. Parl.* ii. 318-320.

out in the next parliament in 1376, and the time of the formation of the factions which three years later took definite shape. This point of view cannot altogether be rejected, for the essential condition of the situation in 1376 was already realised. Old age kept the king inactive, while ill-health prevented the prince of Wales taking any part in politics. Their natural substitute, John of Gaunt, was in France, so that a free hand was given to ministers, and faction had every opportunity to revive. That no clear party action can be inferred from the proceedings of the parliament has, therefore, a special significance.

Stubbs has suggested that the committee of lords with which the main business of the parliament rested was opposed to the influence of John of Gaunt. As the duke was, at the time of the deliberations, marching to little purpose through the uplands of Auvergne, he was in no position to control English politics, though his register shows that he had taken the greatest pains to enlarge his connections before his departure, and we know that some of the most powerful of the ministers were his good friends. But with John, as with lords and commons, the prosecution of the war, rather than the balance of English politics, was the chief consideration. A closer scrutiny of the committee suggests that it represented the court rather than the Lancastrian interest, but also that, at this stage, there was hardly any clear differentiation between the two. With the exception of William of Wykeham, the committee primarily represented the war party. Of the three bishops, Wykeham, Sudbury and Harewell, Wykeham was still on friendly terms with duke John ; Sudbury, a somewhat colourless personality, later became one of the duke's opponents, and Harewell was an old servant of the prince of Wales. His services as chancellor of Aquitaine had secured him his bishopric, and he remained devoted to his sick master's interests. Both Wykeham and Sudbury had been nominated by Lancaster in 1370 and in 1373 among the keepers of his castles and lands in the event of his dying during his campaign.[1] They shared such custody with the two baronial members of the committee, Guy Brian and Henry Scrope. These two were veteran soldiers and courtiers, who had both recently held the stewardship of the king's

[1] *Foedera*, iii. 976-977 ; *C.P.R., 1370–74*, p. 279.

household,[1] a post involving confidential relations with the crown. The attitude of the three earls was more doubtful. Arundel and Salisbury were elderly men with good records as soldiers, and their relations with the various members of the royal family were too complex to make it safe to ascribe to them adhesion to one or the other party.[2] Both were certainly on good terms with the king, and friendly enough towards John of Gaunt. March was a young man only just come into his vast estates, and, as the husband of the heiress of Lionel of Antwerp, was closely associated with the crown. He had been brought up by William of Wykeham, and generally followed his policy. His later hostility to John of Gaunt, like Wykeham's, cannot be proved to have existed at this stage. A body so constituted can hardly be described as hostile to Lancaster.

A great change now came over the administrative situation owing to the decline of the king's health. Edward had remained fairly active up to the early seventies, but was already moving about less constantly than in his earlier days, and seldom went very far from his favourite castles and manors in the neighbourhood of London. The council met at Westminster without him,[3] and two successive stewards, Henry Scrope and John Neville, had wages *extra curiam* for a whole year from June 27, 1371, to June 28, 1372, because they were required to attend these meetings.[4] Edward still attended parliaments, moving, for instance, from Windsor to Winchester for the quasi-parliament of 1371. Though some chancery clerks followed him to Winchester, the main part of the office remained transacting business at Westminster.

After his failure to get to France in 1372 the old king fell into

[1] Brian had been steward 1359–61, and Scrope in 1371. Both were called "monsieur," that is knight. A few years later they were called bannerets, not barons. See later, p. 296, nn. 1 and 2.

[2] Arundel had married the daughter of earl Henry of Lancaster, the brother and successor of earl Thomas, and was to the end of his life friendly with John of Gaunt. His mother was the aunt of the duchess Blanche. He was already over sixty, and died in 1376. Salisbury was the divorced husband of the princess of Wales, but remained the loyal battle associate of the prince. He was less than fifty, and survived till 1397. His Breton expedition, earlier in 1373, had been one of the least unsuccessful adventures of this period.

[3] Early in the reign, Westminster was looked upon as a natural place for meetings of council. See *Foedera*, ii. 839, a reference in 1332 to a meeting "in quadam camera ad scaccarium regis ubi concilium regis communiter tenetur."

[4] *E.A.* 397/5. The entries prove that Neville succeeded Scrope on Nov. 20, 1371. The allowance is the usual one of 20 shillings a day.

sedentary habits, and seldom left his favourite manors in the home counties. Windsor castle became his most usual place of abode, with occasional excursions to his manor in Windsor Park, to Sheen, Berkhamsted, Havering and Eltham. These were only diversified by short visits to Westminster. The chief offices of the household established almost permanent headquarters at Windsor or Havering, and often remained there when Edward, attended by a scanty following, sought a change by visiting other favourite suburban haunts.[1] The king's physicians came to be in constant attendance, save when sent *extra curiam* to seek for medicines for their royal patient.

The centre of government was thus dissociated from the court, and councils were generally held at Westminster without the king. Edward occasionally appeared at Westminster, but it is not impossible that these almost surreptitious visits were connected with his attachment to Alice Perrers, one of the ladies of queen Philippa's household, who had become his mistress even before the queen's death in 1369,[2] and who after that exercised an unbounded influence over him for the rest of his life. He gradually lost his grip on the administration, and even the ceremonial aspects of a king's life, in which he had formerly taken immense delight, had now become irksome to him. He was as much aloof from affairs as the invalid prince of Wales.

In such circumstances, John of Gaunt, now further glorified by his assumption of the title of king of Castile, was necessarily the active representative of the monarchy. We have seen what pains he had taken to secure ministerial posts for his friends, but, so far, his absorption in continental warfare had left him little opportunity for playing a personal part in domestic politics.[3] The futile attempt made by him in 1373 to redeem his father's failure in the previous year may well have convinced him that nothing more was to be expected from military operations, even if parliament could be induced to finance them. He therefore sought to obtain by diplomacy what he despaired of winning by martial successes. Now was the time of the

[1] I have worked out these points more at length in iv. 175-181.

[2] *Chron. Angliae, 1328–88*, p. 95.

[3] Mr. Armitage Smith, *John of Gaunt*, pp. 123-124, and elsewhere, has shown conclusively the impossibility of John exercising the strong influence often assigned to him on home politics between 1371 and 1376.

Bruges conferences and other similar efforts to reach an understanding with France and the papacy. These negotiations also took John constantly away from England. Yet he proved almost as unsuccessful a negotiator as general. Nothing better was attained than temporary truces.

The absence of John, the hopeless illness of the prince and the growing incapacity of the king, left the administration to go on much as it pleased. The results were not satisfactory; the ministers were mediocrities or self-seekers, and the outcry against bad government grew louder than ever. Alice Perrers took her seat on the judges' bench, and "maintained" her friends in their suits. A little ring of courtiers and councillors, led by William Latimer, sought wealth and power by highly questionable means. As Latimer had been acting-chamberlain since early October 1371, and some of his chief associates, such as Richard Stury,[1] were chamber knights, it is tempting to see in his action an attempt to revive the chamber as an instrument of prerogative. But the only evidence that supports this view is the fact that Latimer used the chamber machinery as the instrument for some of his most shady transactions.[2] When the day of reckoning came, there was no complaint, either inside or outside parliament, of the actions of the chamber as an office, so that it would be unsafe to put forward such a suggestion. There was not even an outcry against the king's ministers as a body. All the denunciation was of individuals, and the prime offenders were "certain members of the privy council," "certain confidants around the king,"[3] of whom Latimer was by far the most important.

[1] Stury was already knight of the chamber in 1371–73; *E.A.* 397/5. He was the only survivor of Edward III.'s court to greet Froissart when he visited Richard's court in 1395.

[2] Latimer described himself as acting through the chamber. "Et quant al remenant d'ycelles impositions, il les avoit entierment fait deliverer al resceivour de la chambre le roi, et eut plainement accomptez en dit chambre"; *Rot. Parl.* ii. 324. But contrast *ib.* p. 325, where Latimer describes himself as "gardein ou tresorer" of the king's chamber, and *ib.* p. 323, where the commons so describe him. These are curious synonyms for chamberlain. Philip la Vache, knight of the king's chamber (*C.P.R., 1374-77*, p. 5), was now, and remained till the end of the reign, receiver of the chamber; *E.A.* 398/9. He was the son and heir of Sir Richard la Vache, under-chamberlain in 1363; *C.P.R., 1370–74*, p. 290; *ib., 1374–77*, p. 106.

[3] "Aucuns du prive conseil," "aucuns privez entour le roi," are the persons complained of in the parliament of 1376; *Rot. Parl.* ii. 323-324.

The excuse for the action of Latimer and his fellow-culprits was the continued financial difficulties of the state, and the constant necessity of having recourse to capitalists for advances to carry on the government and household. The king's chamber seems to have arranged these transactions, and Latimer, the chief agent in them, declared that he had paid all sums he obtained from them to the receiver, and accounted for them in the chamber.[1] But he took full advantage of his position to levy toll on his own behalf. His principal dealings were with Richard Lyons, a London vintner, who had made money as the monopolist seller of sweet wines in London,[2] and had become a member of the king's household and council.[3] Lyons was now farmer of the subsidy and customs granted by the parliament of 1373, and was also collector of the "petty custom" in London.[4] He throve well enough to be elected alderman, and to undertake to advance 20,000 marks to the king. This sum came, it was believed, not only from Lyons' own resources, but from Latimer's, and even from the king's own money, now under Latimer's custody in the chamber. Moreover, it was agreed between Lyons and Latimer that the amount to be repaid was to be £20,000, the difference being apparently to be shared between the partners in this bargain to combine high usury with safety to themselves. Latimer was believed to have conspired with Lyons to violate systematically the Calais staple, allowing merchants, including Lyons, to export wool elsewhere than to Calais,[5] and to meddle with the exchanges and levy a commission on their own behalf on merchants exporting specie. Besides this, Lyons had imposed on traders additional customs beyond those he was authorised to levy. An equally gross offender was

[1] See n. 2 on p. 288, above.

[2] *Letter Book*, G. p. 319, shows this went back to 1365, when Lyons rented from the city three taverns for their sale at the enormous rent of £200 a year, the amounts being fixed by the corporation; *Rot. Parl.* ii. 324.

[3] *Ib.* p. 323, speaks "du temps q'il ad este repeirant a la maison et al conseil du roy"; *C.P.R., 1374–77*, p. 439, confirms the statement that he had been a member of the king's council.

[4] *Ib.* p. 323, "du temps q'il estoit fermer des subsides et custumes le roi"; *Letter Book*, G. p. 319, records his appointment as collector of the "parua custuma" in the port of London for the year from Jan. 6, 1374. Compare *C.F.R.* viii. 197-198.

[5] In 1373 Lyons had also license to export wheat to Bordeaux; *C.C.R., 1369–74*, p. 516. Such licenses were, however, very common at all periods, and were in no wise a special device of Latimer, Lyons and their "covine."

Adam Bury, citizen and sometime mayor of London and then mayor of Calais, who had embezzled the king's money, destroyed the king's exchange in the interest of the Calais exchange, and kept in his own house a mint for his own profit.[1] He too was an associate of Latimer, against whom further accusations were now mooted. When commanding in Brittany, Latimer had levied extortionate "ransoms" on Breton towns, and had, moreover, abandoned Bécherel and Saint-Sauveur in circumstances suggesting that the enemy had bribed him to betray his trust.[2]

Apart from these administrative scandals, the times were wretched enough. There were bad harvests, high prices, a murrain of cattle, and a fresh outbreak of the Black Death which devastated the south in 1374 had spread to the north in 1375. Even under peace conditions, the revenue did not suffice for the expenditure, and the uncontrolled officials spent money almost as they would. The only remedy was to be found in another parliament, and soon after the final return of John of Gaunt from the continent, parliament was summoned. With its meeting in Westminster on April 28, 1376, the long delayed storm burst. In its unusually prolonged sessions between that date and its dismissal on July 6, parliament laid down principles of government, and suggested administrative changes, which amounted to a revolution. Contemporary observers, who watched its proceedings with peculiar interest, speak of it as something unique among parliaments. With real reason men called it the "good parliament."[3] They clearly expected that great things would come from it, and because of the widespread public interest which it excited, we are enabled to follow its proceedings in detail unprecedented in mediaeval parliamentary history.[4]

[1] *C.P.R., 1374–77*, p. 453, states the charges against Bury in granting him pardon for them. This and other patents of pardon show the substantial accuracy of the parliament roll, and the inability of the offenders to deny many of the charges made against them in parliament.

[2] There were other accusations also, but I have only mentioned the charges brought in the parliament of 1376 which Latimer and Lyons either admitted or explained away.

[3] *Chron. Angliae, 1328–88*, p. 68. "De parliamento facto Londoniis quod bonum a pluribus vocabatur"; compare Walsingham, i. 324, "parliamentum quod bonum merito vocabatur."

[4] We are lucky in having fuller accounts of the Good Parliament than of any other parliament of the middle ages. The lengthy roll of its proceedings in *Rot.*

The gravity of the crisis and the interest roused in public opinion are reflected in the unusual numbers which attended the ten weeks' session. The best of our authorities is at pains to tell us in detail the names and numbers of those who took part in it. There were the king and his four sons, the prince of Wales, the duke of Lancaster and the earls of Cambridge and Buckingham. With them were the two archbishops, fourteen bishops and many abbots and priors. Among the secular magnates were the earls of March, Arundel, Salisbury, Warwick, Suffolk and Stafford, and "all the barons and bannerets of worth in the land and two hundred and four score knights and esquires, citizens and burgesses, for the commons of divers cities, boroughs and shires." [1]

Parl. ii. 303-360 has long been known, but it has recently been supplemented by two detailed accounts by independent chroniclers. Since 1874 we have had in print the detailed, though bitterly prejudiced, accounts in the St. Albans *Chronicon Angliae, 1328–88*, pp. 68-101, which colour apart, largely correspond to the official record. From these two chief sources Stubbs drew his remarkable narrative of its proceedings in *C.H.* ii. 450-455. Stubbs regretted that the carelessness of his two main authorities as to dates made it difficult for him to arrange the doings of the parliament in chronological order. Fortunately we now have in the *Anonimalle Chronicle* of St. Mary's, York, admirably edited by Mr. V. H. Galbraith, a new source, which makes absolutely clear the chronology of at least its early proceedings. This chronicle also reveals for the first time a circumstantial report of the debates, not only those in "full parliament," but in those assemblies of knights and burgesses which we may almost call by anticipation the "House of Commons." Some glimpses of these things have already been given to us in Stow's *Annals*, but details, which could not but be questionable when only vouched for by an Elizabethan author, are here shown to be based upon contemporary testimony. The brief but interesting account of the parliament in Malvern, pp. 384-387, was published just too late to be used by Stubbs.

[1] *Anon. Chron.* pp. 79-80. "Et toutz les barones et baneretes de valew de la terre et cciiij^{xx} chivalers et esquiers et citisayns et burgeis pur la communealte de diuerses cites et burghes et countees." This statement raises various problems. One is that of the relation of the "banneret" to parliament, which with the threatened emergence of the banneret as an order of gentility between baron and knight will require some examination later. See p. 296, n. 1. Another, the problem of the extent to which the members for the cities and boroughs actually attended in parliament may be discussed here, in the light of this definite statement of the number of commoners who attended the Good Parliament. As the 37 shires sending members to parliament only account for 74 persons, there must have been about 200 citizens and burgesses present. Yet only 44 borough members for 22 boroughs took out expenses writs at the termination of its proceedings, though 73 of the 74 knights of the shire received them; *C.C.R., 1374–77*, pp. 429-430; Prynne, *Parl. Writs*, iv. 301, 305. Only one Somerset member seems to have attended, though two were returned. A comparison of the chronicler's figures with those of the expenses writs throws grave doubt on the suggestion of Professor Pollard (*Evol. of Parl.* pp. 317-319),

When the Good Parliament assembled, there was no indication that the government was cognisant of an impending crisis.

---

that the small number of the expenses writs generally issued to burgesses, proves that the normal attendances in parliament of borough members were small in proportion to the members returned as elected. It follows that the knights of the shires, who took out expenses writs in nearly all cases as a matter of course, were more regular attendants in parliament than the citizens and burgesses. This is so far true, that it is hard to imagine that any mediaeval M.P., who was entitled to draw his expenses, would not have made a point of obtaining them. But the expenses writs were not orders for payment, but certificates to the sheriffs and mayors concerned that their recipients were entitled to receive from shire or borough resources the sums specified in them. The probabilities are that the borough members did not sue for expenses writs because they could get their expenses paid without this formality, and in some cases larger sums than the allowances recognised in chancery. No doubt, also, there was a fee to pay before a member could get his expenses writ or have it enrolled. The county members generally thought it worth while to incur this expense and trouble because the shire was a large body in which they might or might not be known, while the sheriffs, subject to strict exchequer audit, were probably unwilling or unable to pay members expenses unless they produced the writ as a warranty. It seems likely that the borough members could generally get their expenses without a writ or, anyhow, without an enrolled writ. The small borough communities of those days were certain to be cognisant of their doings, and the town finances were not submitted to drastic exchequer control. Hence it was the exception rather than the rule for the borough member to have any need of a writ close to convince his constituency of his attendance. Professor Pollard himself points out that London, York and the Cinque Ports are known to have made their own arrangements for the payment of their representatives. Other towns could easily be added to this list, notably Leicester, whose records, carefully edited by Mary Bateson, show that payments to the borough members for their attendance in parliaments were set down, rather irregularly, in the mayor's accounts. In few cases do both the local record and the writ "de expensis" coincide for the same parliament, and in one case in 1332 one member got the writ but received no payment, while the other, who had no writ enrolled, was paid expenses by the borough court; *Leicester Records*, ii. 2. After the Good Parliament, the two Leicester burgesses received a writ for £8 each for 80 days (*C.C.R., 1374–77*, p. 430), and the town's accounts show that one member received that sum and the widow of the other member a larger sum, but do not specify the reason for the payment; *Leicester Records*, ii. 455. Leicester's rate of payment was by no means always the legal 2s. a day. There are cases when 4s. a day were allowed (*ib.* ii. 147-148), and others when only 1s. 6d. and even less were given; *ib.* ii. 17. 11. But there were also allowances for horse hire and grooms, and in 1332 one of the knights for the shire was paid 6s. 8d. for going to parliament in the borough members' company, and 4d. for wine for "telling the gossip" of parliament to the mayor and others. The borough carefully counted the number of days members were on duty (*ib.* ii. 48), and sometimes when the member was not satisfied as to the amount, paid him later something additional as "old debt"; *ib.* ii. 141. Other illustrations of the lively interest of Leicester in parliamentary proceedings might also be collected. There is still more evidence in the *Calendar of Letter Books* as to the payments made by the Londoners to their members, who never took out expenses writs. It looks as if London only paid their members when parliament met at a distance. For instance, London paid for

The old king was well enough to attend the opening meeting on April 28, but soon left the duke of Lancaster to act as his lieutenant in all dealings with the estates. The opening speech of Knyvet, the chancellor, to the whole parliament, assembled in the Painted Chamber, was on the familiar lines, and the orator clearly anticipated a repetition of the easy triumph of the ministers in 1373. He harped once more on the foreign peril, and on the king's need of an immediate supply. Thereupon, the estates separated. The lords met apart in the White Chamber of the palace, while the commons sat in their "ancient place," [1] the chapter house of Westminster abbey.

After the preliminary swearing in was over, a knight of the south country went to the lectern in the midst of the chapter

the parliaments at York in 1314 (*Letter Book*, E. p. 33, cf. D. 307), at Gloucester in 1378 (*ib.* H. p. 108), and at Cambridge in 1388 (*ib.* p. 346). In the latter case the four members cost the city £112:7:0. Members sent to councils, as in 1327, and the city members sent to renounce allegiance to Edward II. at Kenilworth in 1326, were all given liberal expenses; *ib.* E. p. 222. In 1450, when parliament met at Leicester, the city resolved that their members there, and all others attending future parliaments in places remote from the city, were to have 40s. a day, from the time of setting out until their "reasonable return"; *ib.* K. p. 330-331. Even this limited expenses grant was only made general at this late date; though when made, it was on a much more generous scale than was usual with the ordinary borough member. The whole subject deserves more careful investigation than can be given here, especially in available borough records. A good beginning of such study has been made for the reigns of Edward I. and Edward II. by Mr. J. G. Edwards in his "Personnel of the Commons in Parliament under Edward I. and Edward II." in *Essays in Mediaeval History Presented to T. F. Tout*, pp. 197-214, and by Miss May McKisack in her "Borough Representation in Richard II.'s reign," in *E.H.R.* xxxix. 511-525. My substantial agreement with both these writers has led to this attempt to bridge over the gap between them. I do not regard as convincing Professor Pollard's answers, either in *History*, xi. 15-24, or in his interesting but discursive Appendix II., "Parliamentary representation in the 14th century," *Evol. of Parl.*, second edition, pp. 387-429. In this Appendix Professor Pollard sets forth the facts about Leicester, and has added Reading to the boroughs which paid their members without writs. He still, however, insists on the irregularity of the attendance of borough members. That may be so, but the evidence on which he, apparently, based his view seems to be of doubtful relevance to his problem. I think it absolutely clear that the number of expenses writs issued is no evidence at all as to the number of burgesses who sat in any particular parliament, and equally clear that re-election was quite usual; see J. G. Edwards, "Re-election, and the mediaeval parliament," *History*, xi. 204-210.

[1] "A lour aunciene place en la maison du chapitre de l'abbe de West."; *Rot. Parl.* ii. 322. The habit of parliament meeting at Westminster had now been almost unbroken for nearly forty years, and a usual meeting place for the commons was already established. *Anon. Chron.* p. 80, describes the chapter house as the place "en quel ils purrount lour conseil privement prendre saunz destourbaunce ou fatigacion des autres gentz."

house and delivered a furious attack on the government. "The country is undone by grievous taxes," he declared, "and can pay no more." A second knight denounced the violation of the Calais monopoly of the staple to the profit of Latimer and Lyons, but to the undoing of Calais and the king. A third orator urged the commons to follow the precedent of 1373 and nominate a committee of lords, from whom the commons could seek advice and conference. An eloquent speech of Sir Peter de la Mare, member for Herefordshire, a knight of the March of Wales and steward of the earl of March, won such applause that, the third day afterwards, he was chosen to pronounce the will of the commons in the "great parliament," [1] an office which gave him the duties, if not the name, of the Speaker of later times. Probably a further reason for this selection was that it secured for the commons the support of one of the greatest of the earls.

The commons continued their separate sessions from May 3 to 9. But an injudicious royal message to expedite supply still further increased their irritation. They hastened to the "house of parliament" [2] to meet the magnates; but after Peter de la Mare had entered with a few supporters, the other members were refused admission. John of Gaunt now appeared to represent the king, and asked who was to speak for the commons. Sir Peter stiffly refused to utter a word until his absent brethren were allowed to join him. After two hours' delay the assembly was completed, and Peter at last found tongue. He declared that the commons were too simple to act alone, and suggested to the lords the appointment of a committee of four bishops, four earls and four barons and bannerets, whom he mentioned by name. The lords agreed, and the committee of twelve was empowered.

The twelve magnates, chosen by the commons, had both similarities and dissimilarities with the lords' committee of 1373. Not a single one of the three bishops of 1373 now found favour with the commons. Their choice fell upon bishop Houghton of St. David's, a friend of the duke of Lancaster, bishop Appleby of Carlisle, a very obscure prelate of whose attitude we know little, and two recent aristocratic recruits to the episcopal order, whose birth had given them their sees before they were thirty-

[1] All these details of proceedings are from *Anon. Chron.* pp. 81-83.

[2] "Et vendrent al huse de parlement"; *ib.* p. 83.

five years old. One of these was William Courtenay, whose attitude in convocation in 1373 had not prevented his translation to the great see of London. His grandfather had been the first earl of Devonshire of his house,[1] and his mother was a Bohun. The other was Henry Despenser, bishop of Norwich, a very martial and unprelatical prelate. He was grandson of Edward II.'s favourite, and, in the infancy of his nephew, the lord of Glamorgan, practically the head of the house of Despenser. Both these rising ecclesiastics were by birth and position strong upholders of the aristocratic cause against the crown and the courtiers.[2]

The four earls were March, Warwick, Suffolk and Stafford. March was a natural person for his steward to nominate, and his acceptance suggests that he was prepared for the leadership of the popular party. He was the only one of the two higher ranks on the committee who had served on the corresponding body in 1373. Of the other three there is little to be said. Thomas Beauchamp, earl of Warwick, was a young man of about thirty, whose subsequent career showed that his natural inclination towards the aristocratic opposition could easily be diverted by fear or sluggishness to a contrary direction. He was the brother-in-law of his associate, William Ufford, second earl of Suffolk of his house, and had, like him, been a companion in arms of John of Gaunt. Suffolk, still under forty, had outgrown the curialistic traditions of his father and of his grandfather, Sir Walter Norwich. He was conciliatory and popular, and showed character and energy. The last earl was his brother-in-law, Hugh, second earl of Stafford of his house. Already a close comrade in arms of John of Gaunt, Stafford soon began to show sympathy with his policy. But, if he were already Lancastrian, he was in a minority. We can safely say that, in the main, both bishops and earls showed constitutional sympathies.

[1] Hugh Courtenay, "the elder," was created, or recognised, earl in 1335.

[2] The four bishops mentioned in the text are those named in the Rolls of Parliament (ii. 322). *Chron. Angliae*, p. 69, substitutes for Houghton, Thomas Brinton, bishop of Rochester, and the *Anon. Chron.* p. 84, John Harewell, bishop of Bath, the friend of the prince of Wales. This shows that the art of parliamentary reporting was not yet far advanced. The official record is much to be preferred. The roll and the York chronicle agree that the names of the committee were suggested by Sir Peter, and we may safely reject the St. Alban's story that the commons only chose the bishops, that the bishops suggested the addition of the barons, and the barons the election of the earls.

Of the four who are indifferently described as barons or bannerets,[1] Henry Percy had not as yet weakened in the opposition policy of his house and class. His colleagues were less strenuous. Of Guy Brian and Henry Scrope we have heard already, and there is no reason for thinking that their attitude had changed since 1373.[2] The fourth banneret, or baron, Richard Stafford, the uncle of the second earl of Stafford, was an ancient follower of the Black Prince. He seems, however, to have shown some inclination towards the court party, and was not long allowed to retain his position. But at the time of their appointment, all four were, in the opinion of the chronicler, "faithful barons, who loved the king's person and dignity."[3]

[1] Compare the statement in *Anon. Chron.* p. 79, quoted above, p. 291, n. 1, that all "bannerets of worth" sat in this parliament. The persistent description of some of the magnates summoned to parliament as bannerets shows how, even up to Richard II.'s reign, it is unsafe to describe "peers of parliament" as necessarily "barons" or sitting by "hereditary right." Apart from higher and clearly marked out categories, such as those of the bishops and abbots and the dukes and earls, it is misleading to assume that the average "lord of parliament" was necessarily described as a "baron." Thus, in *John of Gaunt's Register*, Michael de la Pole is described alternately as "baron," "banneret" and "bachelor," as if the three terms were synonymous; ii. 47, 99, 183. Normally banneret still occurs as a sort of half-way stage between the knight and the baron. It is of course primarily a military title, see below, p. 346, n. 2, and iv. 100-101, where the military hierarchy is earl, banneret, knight, excluding baron. But in such senses as the bannerets of the king's or other great nobleman's household, it was already used in an essentially civil sense. The normal description of the average lord of parliament was still "Monsieur" or "Sir," that is the ordinary designation of the knight, whether he was an ordinary knight or the higher class of knight known as a banneret. It is interesting that before the end of Edward III.'s reign, "banneret" was used to designate a magnate of banneret status, who, though summoned to parliament, had little or no hereditary claim for the summons to be continued to his heirs. In Richard II.'s early "continual" councils (see later, pp. 327, 344, 347-348), bannerets were stressed more than barons; *Rot. Parl.* iii. 386. Yet some of these bannerets, *e.g.* Richard Stafford, were regularly summoned to parliament, 1371–79. It follows that a summons to parliament is no historical, though it is unfortunately "legal," proof of the creation of a barony. *Anon. Chron.* pp. 79, 84, and *Lords' Reports*, pp. 705, 707 (7 R. II.), show that Prof. Pollard is wrong in assuming that "bannerets" were included among the commons. They sat with the lords: many of them being, in fact, what we now call "life-peers."

[2] Both *Chron. Angliae*, and *Anon. Chron.* p. 84, substitute Roger Beauchamp for Henry Scrope, but the official list seems safer to accept. Beauchamp was also called banneret on 1377, though he had been summoned to parliament from 1363 to 1379, Stafford from 1371 to 1379, and Guy Brian also from 1350 to 1389. All three were also called bannerets. But all three left heirs who were never summoned to parliament. Thus we have three bannerets who in modern phrase were "peers for life." But Henry Scrope, though called banneret, handed on an "hereditary peerage" to his heirs.

[3] *Chron. Angliae*, p. 96.

Thus the preponderating weight of the lords' committee was heavily on the popular side, and under its leadership the commons drew up a sweeping programme of reforms. It is remarkable that they had no complaint against the ministers as a whole, and seem to have been indifferent as to whether clerks or laymen were in power. They attacked neither the government nor the crown. Their chief concern was to remove glaring abuses in the administration, for which purpose they gradually drew up the most comprehensive series of petitions that ever a mediaeval parliament presented to its king. Their first business, however, was to break up and punish the corrupt camarilla of household servants, courtiers and officials, of which Latimer was the chief, and Lyons was the financial agent.[1] The resolutions of the commons were announced to the lords as "ordinances." A constitutional note was struck when Sir Peter laid down that what is done in parliament by statute cannot be undone save by parliament.[2]

It was in these circumstances that the commons devised the method of impeachment. They now laid before the lords a series of accusations against Latimer, Lyons and their associates. The charges showed a remarkable knowledge of the inside of the administration. In denouncing Latimer and Lyons for farming the customs, Sir Peter pointed out that two London citizens had made better proposals to Sir Richard Scrope when he was treasurer. Scrope and his predecessor in the treasury, bishop Brantingham of Exeter, were asked by the lords what they knew of this matter. Scrope, much embarrassed, declared, "I was sworn to secrecy and my lips are sealed. I must consult the king." A further charge was made against a "certain lady" of receiving several thousand pounds a year from the king's treasury. The commons demanded that Scrope and Brantingham should be associated with the lord's committee, and refused to report until they had had the benefit of their advice. Lancaster showed some annoyance at this, but finally agreed.

[1] Walsingham, i. 320: "In progressu vero plura fuere delata de regis familiaribus, aliis diversis regis officiariis et potissimum de domino Latimer, ipsius camerario, qui pessima gubernatione regem rexit."

[2] *Anon. Chron.* p. 86. "Ceo qest fait en parlement par estatute ne serra poynt defait saunz parlement." Sir Peter fortified his agreement by producing "une liver des estatutes." We are now at the time of the compilation of a "statute roll." See above, p. 183.

Then Scrope gave the decisive word. The bargain was made by Latimer and Lyons, without his knowledge and without reason. It was true that two citizens made an offer to lend the king 15,000 marks, to be repaid from the Calais customs. One of them, William Walworth, was there present. Lancaster ordered Walworth, who was a member for the city, to be examined. Walworth threw the responsibility on Lyons and Pyall, one of his brother representatives of the city. Pyall swore that he was innocent, whereupon the commons raised a loud outcry against Latimer and Lyons and demanded their arrest.

Nothing happened for three days; then on May 24 the lords summoned the commons to a full parliament. Opposition had hardened the Speaker's heart and he refused to say any more until the guilty parties were removed from the king, and the chancellor and treasurer deprived of office.[1] A fresh claim was now made, namely that the king's council should be "afforced" by three bishops, three earls and three barons, without whom nothing important was to be done. The lords approved the suggestion, and, on May 26, certain lords went to the king to declare the wishes of the commons and the assent of the lords to them. Edward accepted very graciously these awkward proposals. The lords asked Edward himself to choose the nine new councillors, since the government of the realm was the business of the king and not that of parliament. Edward tactfully said that he would make the choice by their advice. The nine councillors were thereupon selected, and the prospect brightened.

The names of the councillors suggest a new method of control, and also, though to a less extent, a change of government. Five of those nominated were among the most active of the committee of twelve, bishop Courtenay, the earls of March and Stafford, Henry Percy and Guy Brian. The four new names were Simon of Sudbury, now archbishop of Canterbury, the bishop of Winchester, the earl of Arundel and Sir Roger Beauchamp. Sudbury's absence from the old council was a slight on his person and office, and he was likely to be as active as his temperament allowed in supporting the new policy. In bringing

[1] *Anon. Chron.* p. 90. *Rot. Parl.* gives more precise details, but the York writer adds coherence and policy to the story.

back Wykeham, the commons found a strenuous champion, for his five years' exclusion from power had removed from Wykeham the last trace of curialistic bias, and he was for the rest of his life a pillar of the aristocratic opposition. Arundel, like Sudbury, had been a member of the similar commission in 1373. Sir Roger Beauchamp of Bletsoe was a veteran household servant who had been steward of queen Philippa and governor of Calais. He was a distant kinsman of the earl of Warwick.[1]

Thus, within a month of its assembly, the parliament had widened its demands. Up to a certain point, the proposed additions to the council remind us of the precedents of 1258 and 1311, when the monarchy, being under suspicion, was put, so to say, into commission. The parliament roll, though it gives no names, records the "ordinance of the permanent councillors."[2] The very name of ordinance suggests the proceedings of 1311.

The powers given to them are equally reminiscent of the lords ordainers. The commons insisted on the inadequacy of the ministers of the crown for the task of waging a continental war. They therefore prayed for an additional strengthening of the council by ten or twelve "lords and prelates of the land," so that no great business should pass the council without the advice and assent of the whole, while lesser matters should require the advice and assent of six or four of them, so that there should always be six or four such councillors continually resident in the

[1] He was king's yeoman so far back as 1337 (*C.C.R., 1337–39*, p. 57), was steward of queen Philippa both in 1350 and 1358 (*C.P.R., 1348–50*, p. 571, and *ib., 1354–58*, p. 42), and captain of Calais by 1355 (*ib., 1354–58*, p. 203).

[2] The names come from the *Anon. Chron.* p. 91. The "baron" Percy is "le seignour de Percy": the bannerets Brian and Beauchamp are each "monsire," the usual title of a knight. Malvern, p. 385, roundly says that they were appointed "quod . . . regem et regnum de caetero gubernarent." *Chron. Angliae*, pp. 100-101, only mentions the "continual" council at the very end of the proceedings of the Good Parliament, claiming its appointment as the commons' answer to the challenge to the succession which it attributed to John of Gaunt. Its account is accurate enough, but does not give any names, clearly from ignorance, as the author wrote "electi sunt ergo," and then left a blank for the names which was never filled up. Its existence and powers are clear from *Rot. Parl.* ii. 322, "ordinance des continuels conseillers." The omission of their names from this roll may be a deliberate act after the reaction. No stress can be laid on the ordinance of appointment appearing so early on the roll, for the whole arrangement of the roll inverts chronological order, putting down first the things only determined at the end of the session.

king's council.[1] But even in suggesting distrust of some of the king's advisers, the commons were still careful to show that they had no wish to make a clean sweep of the government. It was provided that the chancellor, treasurer, keeper of the privy seal and other ministers of the king could dispatch the business of their respective offices without the presence of the new councillors. This showed that the careful renunciation of executive authority, which marks this parliament, still influenced their action. The same spirit inspired the ordinance that the continual councillors should be the channel of information between the ministry and the crown,[2] and that any negligence of the king's ministers in executing the new ordinances should be punished by the king and the permanent councillors in proportion to the offence. The nine were thus to act as agents of the king as well as of the parliament. Such a body was necessary to prevent the old age of the king being abused by the corrupt gang, now to be punished for their past misdeeds.

Both councillors and ministers were forbidden to receive gifts or rewards, save food and drink of little value, though this prohibition was not to prevent either class receiving fees and robes from their lords, and remuneration for performing tasks outside the duties of their offices.[3] It is significant that even reformers should recognise that there was no harm in the king's advisers and officers remaining retainers of great noblemen, or in combining with their official duties the pursuit of their private gain.

The attack on the offenders was now pressed home. It was to no purpose that Lyons strove, by gifts, to win to his side the king and the prince of Wales. Edward took the

[1] This statement fits in with the statement of *Anon. Chron.* p. 91, that nine was the number finally fixed, a number which involved corresponding changes in the numbers of the quorum for different classes of business. See also *Chron. Angliae*, Appendix B, p. lxxi.

[2] *Rot. Parl.* ii. 322: "Item est ordene qe tout qe y serra conseille ou ordene, dont report covient estre fait a nostre sire le roy, pur ent avoir son avys ou assent, qe le dit report serra fait par les ditz conseillers, ou deux de eulx eslieux de lour commune assent, et nemye par autres par nulle voie." *Chron. Angliae*, p. 87, says that the chamber knight, Richard Stury, had been appointed "referendarius" to acquaint the king with the proceedings of the knights, and had deceived him by false information. The transference of his task to the new councillors may well have been the consequence of his untrustworthiness.

[3] *Rot. Parl.* ii. 322: "Sauvez, qe les ditz conseillers, officers et touz autres ministres du roi purront prendre fees et robes de lours seignurs et maistres, et prendre pur lour labours qe ne touche mye lour offices."

bribe, cynically suggesting that it was only some of his money come back again, but the prince refused the barrel of gold, disguised as a barrel of sturgeons, which Lyons sent to Kennington "for love of his good lordship."[1] It was equally in vain that Latimer canvassed the lords for support, and demanded to be tried by his peers alone. His brother-in-law, John Neville the steward, roundly abused Sir Peter de la Mare for attacking a magnate of such dignity as the chamberlain. The only result was that a fresh impeachment was drawn up against the steward. Other less important persons were now involved in the same fate. Richard Stury, the chamber knight who had falsely reported the doings of the commons to the king, was forbidden the court.[2] Soon after the appointment of the new councillors, Edward agreed to remove Latimer, Neville and Sir Richard Stafford from his council. The latter, one of the lords' committee of twelve, seems to have turned traitor to the commons. Above all, the king agreed that Alice Perrers should no longer come into his company. He professed to be greatly shocked at learning she was the wife of the justice of Ireland, Sir William Windsor, and declared his ignorance of her being a married woman.

Latimer and Lyons were now formally arraigned before parliament and condemned to loss of office, to imprisonment and to perpetual exclusion from court. Articles were also drawn up against Neville, and an "ordinance" was drafted that no women were to prosecute quarrels and suits in the king's court by way of maintenance, and that Alice Perrers should be especially warned that a repetition of her offences would involve her in forfeiture and banishment. Among lesser offenders, Adam Bury, the sometime mayor of London and Calais, fled the realm to avoid standing his trial, and other London citizens, such as John Peachey, and some of Lyons' subordinates, such as William Ellis of Yarmouth, followed his example. Latimer, who was at first released on bail, was now consigned to the custody of the earl of March as marshal, and Lyons was imprisoned in the Tower. William of

[1] *Anon. Chron.* p. 92, gives these details. *Chron. Angliae*, 79–80, confirms Lyons' attempt at corruption, and the different attitude of the king and the prince to it.

[2] *Chron. Angliae*, p. 87. There is no reference to Stury in *Rot. Parl.* or in *Anon. Chron.*

Wykeham took a leading part in the attack on Latimer, and it was on his information that, on June 12, the custody of Dover and the Cinque Ports was transferred from the fallen chamberlain to the king's son Edmund, earl of Cambridge.[1]

Up to this point the commons had had it all their own way. Edward had bent before the storm, and Lancaster, despite occasional outbursts of irritation, had more or less followed the example of his father. He attempted to play the double part of king's representative and a leading lord of parliament, but he showed little wisdom or self-restraint. When he denounced the commons as hedge knights and men of no position, his own followers were constrained to tell him that they were men of substance and valour, and had the backing of many magnates, the Londoners and the whole of the common people. The duke was annoyed that he was excluded from the permanent council, and became increasingly jealous of the leadership of the earl of March. Bit by bit, he inclined to make common cause with the courtiers and to condone the iniquities of Latimer and Lyons. A Lancastrian party was at last remaking, but it was a party of courtiers and adventurers, and diametrically opposed to the old Lancastrian tradition of earl Thomas and earl Henry. For the moment, however, John allowed the situation to develop. His hesitation saved him from any overt attack in parliament.[2]

It was generally believed that the opposition could rely upon the support of the prince of Wales, but the prince's long sufferings were approaching their end, and on Trinity Sunday, June 8, he died. About Whitsuntide the king had managed to get to Kennington to bid the prince a final farewell, and on his return to Havering was himself smitten with grievous sickness. The death of the prince added a new element of difficulty to the situation. It weakened the position of the commons, who had had, or believed they had had, a powerful supporter in the sick prince.[3] It strengthened the position of John of Gaunt, whose

[1] *C.P.R., 1374–77*, p. 278, shows that Cambridge's appointment was on June 12. *Anon. Chron.* pp. 93-94, gives details of Wykeham's activity against Latimer in parliament.

[2] There is no confirmation of Malvern's rash statement (p. 384): "Postea plura erant delata de duce Lancastriae et de aliis officiariis regis." His account suffers from his reading back later history into it.

[3] *Ib.* p. 386: "Communes Angliae per dominum principem Walliae, ut dicebatur, erant secretius animati." Compare *Chron. Angliae*, pp. 74-75.

last restraint was removed,[1] for he became now the uncontested representative of the monarchy. The whole problem of the succession was thus brought nearer to men's minds. Two young boys alone stood between John of Gaunt and the crown. If the claim of Richard of Bordeaux were incontestible, there was some doubt as to the rights of Roger Mortimer, the two-year-old son of the earl of March and Philippa of Clarence. We must not believe the story of Lancaster's enemies that he now went down to the commons and demanded that they should adopt the French law that no woman could transmit a claim to the throne.[2] Still less need we credit the statement that he designed to poison his nephew Richard. But the rivalry between Lancaster and March was intensified by their different interests on the question of the succession.

The suspicion of the commons was well brought out by their demand that Richard, a boy of ten, should be brought into their presence. This was done on June 25, when archbishop Sudbury told the lords and commons that the dead prince was still present with them, having left behind him a fair son, his very image, as the true heir apparent to the throne.[3] The commons petitioned unanimously that the king should at once make him prince of Wales. They were told that this was no business of the lords or commons, and that the king would be advised to take this step in due season, but it was only five months later that the request was granted. By that time John of Gaunt had everything under his own control.

The death of the prince of Wales led to no weakening on the part of parliament, though the session had already been of abnormal length, and the commons were anxious to get back to their homes. Their last proceeding was to present to the king

[1] I can see no evidence of friction between Lancaster and the prince to the very day of the latter's death. But it is clear that the prince acted as a restraining influence upon him.

[2] *Chron. Angliae*, p. 92: "Petiit insuper ut, exemplo Francorum, legem statuerent, ne femina fieret heres regni." The silence of the rolls shows that no legislative action was taken, and the silence of *Anon. Chron.* makes it more than probable that the allegation was a mere slander. The St. Albans chronicle has cunningly rearranged the acts of the Good Parliament in a fashion to make as good a case as it could against Lancaster. For instance, it puts the establishment of the permanent council among the acts of the parliament after the prince of Wales' death. The evidence of the *Anon. Chron.* shows that the king accepted the council as early as May 26. See above, p. 298.

[3] *Rot. Parl.* ii. 330.

their long roll of petitions, covering the whole ground of the administration, and including both the traditional grievances, and new complaints of varying degrees of importance.[1] One begged that no pardon should be granted to any person, great or small, impeached in the present parliament. The only supply granted was a renewal of the additional wool subsidy of 1373.

When the petitions were drafted, all the orders in the parliament made their way to Eltham, where the king announced in person his answers to them. His replies were of the usual kind, often evasive or dilatory, a large number being referred to the "lords of the great council" and some to the "continual council."[2] It was ominous for the future that Edward answered that he would do what he thought best to the request not to pardon the impeached culprits.[3] But the final note was one of reconciliation and unity. There was the usual concluding feast, held by Sir Peter de la Mare and the knights of the shires, in the place of, and in the name of, the king. It was well attended, seven earls, numerous barons and knights, and the mayor and leading citizens of London being present.[4] On July 10 the last meeting was held, and the writs for expenses issued.[5]

[1] These petitions are set forth at length, with the king's answers, in *Rot. Parl.* ii. 331-360, and are admirably summarised in Stubbs, *C.H.* ii. 453-455. Stubbs' conclusion that they prove bad administration rather than "any design of creating a despotism" cannot be gainsaid. Petition 92 (*Rot. Parl.* ii. 337), "qe homme puisse faire la ley en l'eschequier," and the affirmative answer is an unexpected testimonial to the exchequer, and shows that the old aversion to the exchequer holding common pleas had disappeared. There were the usual complaints against the abuses of household jurisdiction.

[2] *Rot. Parl.* ii. 323-333 gives instances of both. The emphasis of the difference of the two councils does not help Prof. Baldwin's doctrine of the unity of the council.

[3] *Ib.* ii. 355.

[4] *Anon. Chron.* p. 94: "Une tres graunt et excellent fest en lieu et noune de nostre seignur le roy et plusours graundes seignurs del roialme." The social side of a parliament dates back much earlier than this. I am indebted to Miss Nottingham for an extract from a memoranda roll of 1312 ordering the payment to the king's butler for wine for the Westminster parliament of the autumn of that year; *M.R.K.R.* 85/58d, comm. Trin. recorda, "ad emendum inde centum dolia vini contra instans parliamentum summonitum apud Westmonasterium."

[5] *Rot. Parl.* ii. 360 dates the last meeting on "ce present joefdy qe fust le sisme iour de Juyl," and has been followed by all the historians. Mr. J. G. Edwards has pointed out to me that the 6th of July 1376 was a Sunday, and that the following Thursday, the date of the issue of the writs of expenses, was July 10. The printed roll is clearly wrong, for if we take the Thursday as the day, the last meeting must have been on July 3 or 10. It was not unusual for the expenses writs to be a little later in date than the last meeting: but I am inclined to agree with Mr. Edwards that the safest date for both events was

Thus ended the longest parliament that had yet met in England,[1] and the mediaeval parliament of which we know most. When approached from the constitutional point of view, it has been rightly regarded as a failure; it certainly was no starting-point for new history. Nevertheless, its importance can hardly be overrated, when it is looked at from the standpoint of political, social or administrative history. Politically, it was no new thing for a parliament, at one with itself, to carry all before it and to proceed on its course regardless of the king and his ministers. But it was both a political and a social development for the commons to take the leading part they played in the proceedings of this parliament. Not only does Sir Peter de la Mare stand out as its hero. The commons held set debates in the chapter house, and these debates[2] were thought worthy of record in the chronicles of distant monasteries. Many of the knights shared the oratorial gifts of their Speaker, and some, at least, of the representatives of the boroughs were called upon to speak in full parliament, notably two of the London members.[3]

The old tradition of seeking baronial guidance and leadership was not yet dead, and Peter de la Mare perhaps owed his position as much to his representation of the earl of March as to his recognised wisdom, eloquence and courage. But he became something of a popular hero, and inspired many poems in his

---

July 10; *C.C.R., 1374–77*, pp. 428-430. The days allowed varied from seventy-four in the case of Middlesex and Southwark to ninety for Cumberland. No writs were enrolled for the London members, though we know that two at least of the four, Walworth and Pyall, took part in the debates.

[1] *Anon. Chron.* p. 79: "Et tiel parlement ne fuist unqes oye avaunt ne si longement enduraunt."

[2] Stubbs' doubts as to the reality of their discussions ("Their debates, if debates they may be called"; *C.H.* ii. 450) may be considered resolved by the records of the speeches in *Anon. Chron.* pp. 80-83. Mare was equally bold before the "full parliament," where one of his speeches is reported in *Chron. Angliae*, p. 73. See my paper in *Mélanges Henri Pirenne*, pp. 542-562, "Parliament and Public Opinion, 1376-1388."

[3] Besides Sir Peter de la Mare, whose speeches are reported both by the St. Albans' and the York chroniclers, several other knights, some anonymous, some mentioned by name, are known to have taken up a firm line. It is a pity not to know who was the "chevaler del south pais" who initiated the attack on the crown. Walworth and Pyall, members for London, stood up against a cross examination by John of Gaunt, and cleared themselves satisfactorily from the charges brought against them; *Anon. Chron.* pp. 89-90. One of the knights for Bedfordshire recorded a vision which encouraged him and his colleagues in their action; *Chron. Angliae*, pp. 70-72.

honour.[1] He was not silenced by the roughness of the duke of Lancaster nor by the insults of the incriminated ministers. All done in parliament was watched eagerly outside, and London trembled with excitement at the critical periods of its struggle. The day of the commons was at hand, and the tendency, well marked already, for them to be organised as a separate "estate," deliberating apart and acting together on a common policy, was increasingly accentuated. The commons did not shrink from playing their part even in the constant deliberations of the full parliament in the parliament house. How real was the political progress made since the days of the ordainers, can be seen in the striking contrast between the passivity of the commons in 1311 and their activity in 1376.

Administratively, the importance of the Good Parliament can hardly be gainsaid. The extraordinary self-restraint which made it respect the royal prerogative and abstain from all direct attacks on the government as a whole, shows it had attained a real measure of practical wisdom. Had Edward III. loyally followed its lead, he would have found himself in a much stronger position than Edward I. or Edward II. could have obtained, had either of them surrendered to a purely aristocratic opposition. It may perhaps have been some appreciation of the limits of their power which prevented the commons claiming to take part in the administration. They were content to exert a control, and to share that control with the magnates.

The administrative system came out of the storm unharmed. The commons were satisfied with the institutions of the country as they were, and had no wish to make drastic changes. They did not criticise the chancery; and they gave a handsome testimonial to the efficiency of the exchequer. The privy seal was recognised as an office of state, and not denounced as a drag on the wheel. Even the chamber was not assailed, though some of its officers were the prime offenders against good government. The old complaints against the courts of the household were indeed renewed once more, but with little emphasis. A contrast between the great ministers and the household staff was hardly suggested.

[1] Malvern (p. 385) says of La Mare: "de cujus sapientia et sermonis facundia omnes ipsum audientes ultra modum admirantur . . . de quo et factis suis habitis per tempus illud multa metrice valde subtiliter erant composita."

No organised office of the household was blamed, though many individual officers were criticised. In all this we can see real administrative progress.

In another way the Good Parliament certainly marked an epoch. Its proceedings show that the political peace which had lasted for some thirty-five years was now at an end. The party of opposition was reconstituted, and won an easy triumph over the power behind the throne. So long as parliament was in session, the opposition carried all before it, but its acts provoked violent hostility outside the house. From this hostility there arose a new court party, and the head of that court party was soon the duke of Lancaster. Its object was to undo the work of the Good Parliament by extra-parliamentary methods.

Up to 1376 John of Gaunt had, as we have seen, taken little part in domestic politics. He had been at pains to build up a following by enlisting rising politicians and warriors under his banner. But his objects were primarily the strengthening of the war party, and, so far as they were non-military, the erection for himself of a great principality. On his return to England, he found himself compelled to act as the king's substitute, and all through the parliament had substantially followed his father's policy of bending before the storm. Gradually, however, he showed impatience of parliamentary trammels, and identified his own cause with that of the impeached ministers. Yet even when the Good Parliament had gone home, he still played a cautious game. For instance, the only ministerial changes that were made were the replacement of officials condemned by the action of the parliament. A new steward and chamberlain had to be found instead of Neville and Latimer. Neville's successor was, like Neville himself, a retainer of the duke, but the transference of John of Ypres from the controllership to the stewardship of the household made no appreciable change in personnel or policy.[1] A more obvious concession to the parliamentary party was made when a successor for Latimer was found in that veteran courtier, Sir Roger Beauchamp, who had been one of the new councillors selected in May 1376 to advise the king.[2] The one appointment

[1] See for Ypres above, pp. 268, 276, 279. He was already acting as steward on July 20, 1376; *Ch.R.* 154/10.

[2] See above, pp. 299-300. He was already acting as chamberlain on July 20, 1376; *Ch.R.* 154/10, 11, 12.

balanced the other, and indicated no decided change in policy. The chancellor, treasurer and keeper of the privy seal were not disturbed.

The king's desperate illness, which lasted from before Michaelmas 1376 until February 1377,[1] gave the duke a freer hand than ever. Though he still moved slowly, he had already managed in the course of the summer to make his position clear. Only the faintest show of carrying out the wishes of the Good Parliament was made. No statute was ever based upon its petitions, and the only evidence of compliance with them was a proclamation of July 24 that Calais was still the seat of the monopolist staple of exports.[2] Lancaster's idea seems to have been to postpone everything until the autumn, when a "great council" was to meet, such as was envisaged in many of the royal answers to the commons' requests. But by August most of the victims of the Good Parliament had been set free, on giving bail that they would answer to the charges brought against them before the council in October.[3] By that time, Latimer, released from prison, was back at court and council, and made his formal submission to the king's judgment on October 8. The large fine which he was supposed to pay in return, had actually been remitted on the previous day.[4] Neville and Stury, who apparently were never incarcerated, acted as mainpernors and received grants as early as July.[5] Alice Perrers was again

[1] *Anon. Chron.* p. 95. Edward was sick at Havering of "une graunte enpostyme" which burst on Feb. 3, 1377. His physicians then discovered a suitable diet for him. It consisted of "bone breweste de bro fresch" and "soupes de payn demayne fait en chaude lete de chevre."

[2] *Foedera*, iii. 1058.

[3] Among them were John Peachey of London, released from the Tower on bail on July 26 (*C.C.R., 1374–77*, p. 437); William Ellis of Yarmouth, similarly released and bailed on Aug. 4 (*ib.* p. 438), and Adam Bury, the ex-mayor, who had returned from Flanders, and after a brief confinement in the Tower was liberated on Aug. 17 (*ib.* pp. 439, 442). His release was warranted "by the king and great council." There was, therefore, some sort of "great council" sitting in July, a fact which tends to support Prof. Baldwin's doctrine that "great council" and "secret council" were two names for the same thing. Sometimes this is clearly so. It is significant that among Peachey's mainpernors was Nicholas Bond, a confidential knight of the Black Prince, already transferred to the princess's household; *C.C.R., 1374–77*, p. 437.

[4] *C.P.R., 1374–77*, pp. 353, 364.

[5] *C.C.R., 1374–77*, p. 435, shows Neville at large and mainpernor of a prisoner on July 18, and receiving a grant on Oct. 26 (*ib.* p. 366); Stury was a mainpernor of Peachey on July 26 (*ib.* p. 437), and made keeper of Bamburgh castle on Oct. 6; *C.P.R., 1374–77*, p. 347.

at the king's side, and had now the support of her husband, Sir William Windsor.[1] The bishops, like dumb dogs unable to bark, remained silent at the scandal, refusing to launch against her the excommunication threatened in the event of her return.[2] Of all the victims, Richard Lyons alone remained out of favour.

In October extraordinarily liberal grants of royal lands and rents were made to all the king's ministers and to magnates, like archbishop Sudbury, whom the duke wished to conciliate.[3] Henceforth Lancaster was the declared partisan of the courtier gang which he had helped so feebly during the session of parliament. The remaining few months of Edward's reign were therefore to witness the complete reversal of the policy of the Good Parliament, and the restoration to power of the victims of its operations. As a preliminary to this, the old king was persuaded to make his will on October 8, and to entrust its execution to ministers and courtiers.[4] The next step was the assembly of a great council of magnates, which sat from October 13 to December 6 at Westminster.[5] Latimer, pardoned in defiance of the petition of the Good Parliament, now became the duke's right hand man. The great council did not hesitate to take on itself the functions of a parliament, and cheerfully gave quasi-legislative sanction to Lancaster and Latimer when

[1] On Aug. 16, Buxhill, constable of the Tower, was instructed to receive Windsor as a prisoner, but on Aug. 20 his captive was released under mainprise; *C.C.R., 1374–77*, p. 443. He had given up his Irish post. On Sept. 29 Windsor had a grant of £100 a year, and on Dec. 14 was pardoned for having harboured Alice Perrers, the pair being allowed to remain in England as long as they pleased.

[2] *Chron. Angliae*, p. 104, "ut canes muti non valentes latrare."

[3] *C.P.R., 1374–77*, pp. 347-348, gives some of these, including an extraordinary grant of all manors and lands which the king had acquired in fee or reversion, including the great wardrobe premises, to the duke, the archbishop, and the chief ministers, including Latimer. I cannot understand the real significance of some of these grants. They were not severally to individuals, but apparently jointly. On pp. 348-349 there is a more ordinary grant to Nicholas Carew of Banstead manor, Surrey, and of exemption from being compelled to take up knighthood, or other compulsory services.

[4] *Foedera*, iii. 1080. The executors were the duke, bishops Buckingham, Wakefield and Gilbert, Latimer, the chancellor, the treasurer, the chamberlain, the steward and the keeper of the privy seal. They were nearly, but not quite, the group to which the grants in note 3 were made.

[5] *Anon. Chron.* pp. 95-96, gives these dates, and says that "les graundes seignours del roialme" were summoned "a une graunt conseil." This council acted as if it were the great council referred to in the answer to the petitions of the Good Parliament. It was doubtless summoned by writ of privy seal.

they, in effect, reversed or nullified the acts of the Good Parliament. To complete their revenge, some scapegoat had to be found, and by a strange turn of fortune the victim was William of Wykeham.

Up to 1371 the career of Wykeham had been that of a court favourite, pushed by royal favour into great office. In that year he had been driven from power by a parliament, controlled by the war party, which regarded him as responsible for the maladministration of the war. During the subsequent five years, he had stood aloof from politics, and was mainly absorbed in the rebuilding of his cathedral and the establishment of his twin foundations at Winchester and Oxford. When he resumed political activity, he had thrown off the last trace of his early curialism and had taken his part in the Good Parliament as a supporter of the constitutional opposition to the courtiers. But there is no evidence that his influence on parliamentary action was conspicuous or decisive, and it is with surprise that we find the party of Lancaster and Latimer now assailed him with a violence which suggests that they regarded him as the leader of the dominant party in that parliament. To effect his ruin, definite charges had to be formulated against him, and as there was nothing in his acts, since 1371, which could be made the basis of plausible accusations, his enemies were forced to fall back upon his high-handed measures in the days when he had been successively keeper of the privy seal and chancellor. From these it was not hard to bring forward solemn charges of malversation and corruption on which an "impeachment" might be based. An ingenious malice made both the articles of accusation and the method of his trial a parody of the impeachment of Latimer, and we may feel pretty sure that Latimer himself inspired this procedure.

The offences are set forth in the accusation against Wykeham, and repeated in the patent of pardon which he received less than a year later. For the rest we are dependent on the vague rhetoric of the chroniclers.[1] We are ignorant of the exact

[1] Our record evidence is based on the patents of pardon of July 31, 1377, printed in *Foedera*, iv. 12-14, and the "inspeximus" of Dec. 4 in *Rot. Parl.* iii. 387-390. *Anon. Chron.* pp. 96 *et seq.* gives a French version of this. Both this chronicle and *Chron. Angliae*, pp. 106-107, 398, give a loosely compiled and prejudiced account, from which Skipwith's part in the irregular trial is seen.

tribunal before which he was brought, and scantily informed as to the defence he made. Probably Wykeham was tried by a special commission appointed by the crown for the purpose,[1] and it is certain that Sir William Skipwith took the lead among his judges, or accusers. Skipwith had, as we have seen, been deprived of the chief baronship of the exchequer, in 1365, for his "enormous unfaithfulness,"[2] but after a long period of quasi-banishment in Ireland, had just been restored in 1376 to England as justice of the common bench.[3] When Wykeham appeared before his judges and asked for delay and the assistance of counsel, Skipwith roughly reminded him that he had himself refused similar aid for Latimer, but the duke magnanimously overruled his subordinate. Accordingly, Wykeham came before the tribunal three days later, accompanied by bishop Courtenay "to comfort him," and by six sergeants-at-law.

The discussion centred round the more trivial but concrete charges, notably one of altering the chancery rolls in the interests of a friend. Wykeham acknowledged the fact, but repudiated any corrupt motive. He said that as chancellor, "the second person after the king," he was not bound to account for his acts. Skipwith corrected this unsound doctrine, and maintained that he had, for his erasure of the rolls, incurred a cumulative fine approaching a million marks. The church claimed him as its own, and the bishop's persecutors dared not throw him into prison, though his temporalities were seized by the crown. Thereupon Wykeham dismissed his household, led a simple and wandering life, and ordered the sixty scholars of his new foundation at Oxford to go back to their homes because he could no longer maintain them. Perhaps the sympathetic chroniclers rather over-

[1] The phrase in the second pardon (*Foedera*, iii. 14), "coram certis magnatibus regni nostri Angliae et aliis de magno concilio dicti avi nostri per ipsum ad hoc assignatis," suggests a special commission, but is not absolutely incompatible with the trial having been before the great council at large, as the chroniclers' narratives seem on the whole, to suggest.

[2] See above, p. 259.

[3] *C.P.R.*, *1374–77*, p. 351 (Oct. 8). *Anon. Chron.* p. 98, says "iustice secundarie del commune baunk." It looks as if he were brought over specially for this purpose. The worst condemnation of his conduct in 1365 was made by the Lancastrian chronicler Knighton. Now he came back to do Lancaster's dirty work for him. He had already, in July, been made justice of Wales (*C.P.R.*, *1374-77*, p. 293), unless this later appointment refers to his son, also named William Skipwith. The latter view seems to be more likely, as the patent shows that he had been previously in the local service of the prince of Wales.

drew the picture of his sufferings, for the Winchester register shows that he continued to ordain and to discharge other episcopal functions, and it is unlikely that his friends allowed him to be reduced to destitution. The final hearing of his case was postponed until the new year.

John of Gaunt prepared himself for the fight by strengthening his basis of support. His master-stroke was to make an alliance with the princess of Wales and to cover his action by the authority of the heir to the throne. Already, on October 13, a liberal dower had been assigned to the princess, with the cordial assent of her advisers and "on the information of John, king of Castile and Leon."[1] On November 20, 1376, John gave effect to the wish of the Good Parliament, by making Richard of Bordeaux prince of Wales, duke of Cornwall and earl of Chester.[2] To maintain his state, four thousand marks a year were also granted to Richard, and a later refinement of ingenuity assigned him Wykeham's forfeited temporalities in part payment of that sum.[3] He was on January 1, 1377, given a household suitable to his new dignity.[4] But even when secure on his nephew's side, John seems to have feared to go any further without a parliament. Wykeham's case was still in suspense when a new parliament was summoned for 1377. It is the first recorded case in history where systematic packing was resorted to, to obtain a parliament of the right complexion. As a result only eight knights of the Good Parliament sat in the new one.[5] Other preliminaries were equally carefully managed. We have noticed the duke's alliance with the princess of Wales. Now, not even the complacency of Knyvet and Ashton, before the rising sun of Lancaster, availed them to

[1] *C.P.R., 1374–77*, pp. 374-376.

[2] *C.Ch.R.* v. 231. The charter is printed with a wrong annal in *Lords' Reports on the Dignity of a Peer*, v. 56-58.

[3] *Foedera*, iii. 1075. This was in March, and there were further grants in April; *C.Ch.R.* iv. 231-232. But in June, Wykeham's restoration involved the cancellation of the first grant; *Foedera*, iii. 1079.

[4] *E.A.* 398/8. See for this later, iv. 189-192.

[5] *Chron. Angliae*, p. 112, says that only twelve knights of the shire who sat in the Good Parliament were members of this assembly. The real number was no more than eight. Of these, there was no need to change the two Leicestershire knights and one Lancashire knight, since they were in the nature of things under the duke's control. The other five were the two members for Dorset, one member for Herefordshire (Peter de la Mare was replaced by a new man), one for Warwickshire, and one for Hertfordshire; *Return of Members of Parliament*, i. 195-197.

keep their offices any longer. On January 11, 1377, Adam Houghton, bishop of St. David's, succeeded Knyvet, and bishop Wakefield of Worcester [1] replaced Ashton, who was consoled with the chamberlainship. It was an effective answer to the zealot for clerical privilege that the persecutors of the bishop of Winchester had restored chancery and treasury to the care of bishops.

Other changes in the ministry were made about the same time, as, for example, when, on November 25, the cofferer of the household, Richard Beverley, stepped into the keepership of the wardrobe, vacated by the death of William Moulsoe. Much more important was the gradual eclipse of the earl of March. March saw in the fall of his old guardian Wykeham, and in the recognition of the prince of Wales as heir to Edward III., the last blows to his party. A further misfortune befell him when Sir Peter de la Mare was thrown into prison late in November and accused of various "contempts." [2] He was, indeed, still earl marshal, but he interpreted an order to inspect the defences of Calais as a threat of exile, and perhaps as a menace to his safety. Preferring, as an admirer says, to "lose his staff rather than his life," [3] he resigned the marshalship. His successor was Henry Percy, whom this bribe temporarily detached from his old adherence to the constitutional party.[4] A special feature of the duke's policy was the skill and success with which he won over to his side the northern stalwarts who, since Magna Carta, had normally been in opposition. Both the Percies and the Nevilles were to attain a higher status by reason of their change of front.

Lancaster did not forget his own interests. He received, on February 28, a grant for life of full regalian justice in his county of Lancashire, with a chancery, and justices to hold all pleas, and all other royal powers as fully as the earl of Chester held them within his earldom.[5] In selecting one of the twelve clerks

[1] Wakefield was in 1363 a clerk of Humphrey Bohun, earl of Hereford, who petitioned the pope for his advancement; *C. Pap. R. Pet.* i. 420.

[2] *Chron. Angliae*, p. 112.

[3] *Ib.* p. 108.

[4] Percy was summoned to parliament, by writ dated Dec. 1, 1376, as marshal of England; *C.C.R., 1374–77*, p. 467. The exact date of his appointment is not recorded.

[5] *Foedera*, iii. 1073. He had, of course, a chancery already, but this local chancery was apparently a new thing. Subsequent writs were addressed to John himself, "or to his chancellor in Lancashire," or "to his chancellor in that duchy"; *C.C.R., 1374–77*, pp. 500, 501. The grant was "per ipsum regem de assensu totius parliamenti."

of the first bench in the king's chancery to become his chancellor, John showed his anxiety both to run his chancery on approved lines and to conciliate the permanent royal official.[1] A more personal touch is seen in his procuring grants of lands to his mistress, Catherine Swynford.[2] Among humbler permanent officials, who gained some advantage, was Geoffrey Chaucer, possibly Catherine's brother-in-law, who was allowed to discharge by deputy his duties as controller of customs in London.[3]

The careful preliminary preparations had the result of making the parliament, which met on January 27, 1377, more amenable to administrative control than its predecessors. The rather meagre summary of its proceedings, in the parliamentary roll,[4] shows that the duke was successful in securing general support for his policy. With great discretion, John kept himself well in the background, and put forward the little prince of Wales, "sitting in the king's place," to open the session as his grandfather's representative.[5] Next day, the chancellor, Houghton, opened business in a curious rambling sermon, concluding with a warning that the French enemy was utilising the truce to prepare an attack by sea and land, and begging for ample supply to enable the king to resist him. Sir Robert Ashton supplemented Houghton's statement by a declaration that the king, though willing to pay due obedience to the pope, was prepared to resist the usurpations of which the see of Rome had long been guilty. These things Ashton spoke as a layman, "since they were not becoming from the mouth of a

[1] *C.C.R., 1374–77*, pp. 455-456. Thomas of Thelwall was the royal clerk chosen. At the duke's request he was allowed to continue his place in the king's chancery, discharging his duties by deputy.

[2] *Foedera*, iii. 1074. It was a confirmation of John's grant of the sometime chamber manors of Gringley and Wheatley, Notts.

[3] *C.P.R., 1374–77*, p. 462. The excuse was that Chaucer was "often occupied in the king's service in remote parts." Up to now Chaucer had been instructed to write his rolls with his own hands.

[4] *Rot. Parl.* iii. 361-375.

[5] The patent of appointment is in *ib.* p. 361, and *Foedera*, iii. 1070. The chancellor called Richard "le prince president" and "come son lieutenant en ce parlement"; *ib.* p. 362. This was the post held by duke John in the Good Parliament. On Jan. 25 the Londoners had given a great reception to the young prince, which is picturesquely described in *Anon. Chron.* p. 102. In this duke John took an ostentatious share. Compare *Chron. Angliae*, p. 111, "Dux vero dominum principem plus aliis visus est honorare." By the end of the parliament, however, John seems to have acted as "praeses"; *Chron. Angliae*, p. 131.

prelate."[1] Even when working through bishops, the new government retained its anti-clericalism. It was a suggestion that the trouble before it was to come, not so much from the lords and commons, as from the clergy.

The duke had it nearly all his own way in parliament, and especially with the commons. The usual committee of lords was appointed to advise the commons, and this time the preponderance in that body lay with John's partisans and retainers. Of the four bishops two at least, John Buckingham of Lincoln, a former treasurer of the wardrobe, and Ralph Erghum of Salisbury, a sometime chancellor of the duke,[2] were entirely at his disposal. The third, John Gilbert, now bishop of Hereford, had been the Black Prince's spiritual adviser, but, as a Dominican, belonged to an order always favoured by the duke. The fourth, William Read of Chichester, a mathematician of eminence, had no political importance. None of the four was likely to withstand the duke. The earls chosen, Arundel, Warwick, Salisbury and Stafford were, at the moment, friendly to Lancaster. The four barons were the turncoat, Henry Percy, now the duke's chief fellow-worker, Walter FitzWalter, second only to Percy in his partisanship, Thomas Ros of Helmsley, his retainer,[3] and Ralph Basset of Drayton, who was his tenant.[4] It was a body of very different complexion from the lords' committee of 1376. And to make John's work the easier, the new knights chose as their speaker Sir Thomas Hungerford, member for Wiltshire, who, as steward of the duke's lands in Wales and the south, and as a member of his household and council, was one of his intimates.[5]

[1] " Les queux par cas ne gisent mye en bouche de prelat a cause qe celles touchent nostre saint pere le pape " ; *Rot. Parl.* iii. p. 363.

[2] *John of Gaunt's Register*, ii. 343, shows he remained the duke's chancellor in 1375 after he became bishop.

[3] *Ib.* ii. 38, " retenuz et demourrez enuers nous pur peas et pur guerre a terme de sa vie " (1372) ; *ib.* ii. 47, he is " bannerettus."

[4] *Ib.* i. 74.

[5] *Chron. Angliae*, p. 112, " electus est a maiori parte miles duci familiarissimus, utpote senescallus ejus." This rather suggests a contest in which the duke's friends gained the day. Armitage Smith, *John of Gaunt*, p. 145, corrects the ordinary suggestion that Hungerford was steward of the duke's household. *John of Gaunt's Register* gives abundant evidence of his activities. In 1372 John expressed " entier affiance " in his " cher et bien ame," and made him his chief steward in Wales and the south-western shires (*ib.* i. 114-115). In Feb. 1375, he was appointed " destre de nostre counseil," told " qe nous pensons de ly doner lordre de chivaler," and made chief steward " de decea

His choice shows that duke John was as much master of the commons as was the earl of March in the previous year.

Even under such direction, the commons had to be educated into complaisance. An attempt to procure the release of Sir Peter de la Mare, still languishing under "easy guard" in Nottingham castle, collapsed.[1] But even a packed house of commons was critical as to new taxes, and it was only after much discussion that lords and commons voted a grant of fourpence a head from each person, male or female, beyond the age of fourteen years, excepting only beggars. Bad years and losses at sea forbade a larger subsidy, and the commons begged the king to appoint, to administer both this subsidy and that of the clergy, "which is still to be granted," and the subsidies on wool granted in the last parliament, two earls and two barons as perpetually resident "treasurers of the subsidy," charged to see that the money was entirely devoted to war expenses, and that the "high treasurer of England receive none of it, nor meddle with it in any manner." The cost of such an eminent group of war treasurers was found to be so prohibitive that the commons were persuaded to withdraw this petition, and to be content with the treasurer being made "receiver and keeper" of the new taxes, and charged to devote their proceeds entirely to war expenses.[2]

Less opposition was shown to the suggestion that the king's jubilee should be celebrated by a general release of prisoners. The commons were induced to frame a petition that Latimer, "a peer of the realm and sufficient to be of the king's council," should be restored to his "ancient estate and degree."[3] But this was balanced by many unwelcome petitions against admini-

---

Trent," save Derby and Stafford, with 100 marks a year. He normally resided in John's household, and had 6s. 8d. a day expenses when making his "tourn or session."

[1] There is nothing about this in the roll, but *Chron. Angliae*, pp. 112, 124, is emphatic as to his willingness to submit himself to the judgment of the lords in parliament. We know that Sir Peter's release was only ordered on June 30 after the king's death; *C.C.R., 1377–81*, p. 7.

[2] *Rot. Parl.* ii. 364. It is curious that Stubbs, *C.H.* ii. 597, in noticing the petition for treasurers, omits to state that it had been withdrawn by the commons themselves.

[3] *Rot. Parl.* ii. 372, "q'est un des pieres del roialme et suffisant d'estre du conseil le roy."

strative inefficiency, and by the demand that the bishop of Winchester should be restored to his temporalities. Among the petitions was one which, almost in the words of Sir Peter de la Mare, insisted that no statutes made in parliament should be annulled, otherwise than in parliament and by its assent.[1]

By the time the petitions were drafted, parliament had ceased to be the centre of interest. From the beginning, the lords had shown less complaisance than the commons, and now the arena of strife was transferred to convocation, where the prelates, led by Courtenay, Despenser, Brinton of Rochester and Swaffham of Bangor, resented the refusal of a writ of summons to William of Wykeham,[2] and remonstrated indignantly against the taxes imposed upon the clergy.[3] "The clergy," they said, "is of such authority and franchise that no lay folk ought to judge them or have any authority over them."[4] They succeeded in reserving for convocation the consideration of the clerical grant. They also started an agitation against the duke, the effects of which we shall soon see.

The lay peers were stimulated by the prelates' actions, and their attitude became so uncompromising that it was not until the last day of parliament that Hungerford brought forward the seven bills of the commons' petitions for the release and restoration of the victims of the Good Parliament, for the restitution of the property of Richard Lyons, for the annulment of the judgment on Alice Perrers,[5] and for the inclusion of Adam Bury, John Peachey, William Ellis and the rest, in the pardon granted by reason of the king's jubilee. "Be it remembered," the roll continues, "that in this parliament no answer was made by the lords to these seven bills, nor could one be made, because parliament had come to an end that same day, before anything more could be done in the matter."[6] This subtle phrase im-

[1] *Ib.* p. 368.

[2] *Chron. Angliae*, p. 114.

[3] *Anon. Chron.* pp. 100-101, gives all these details.

[4] *Ib.* p. 101: "Le clergie est de tiel auctorite et si free qe les lays gentz ne les deueroient jugger ne avoir affair de eux."

[5] One reason for this was that "la dite Alice ne fuist unqs present en parlement, n'autrement par manere due mys a sa responce." She was therefore to be "restituee entierment a son primeraire estat"; *Rot. Parl.* ii. 374.

[6] *Rot. Parl.* ii. p. 375: "Et fait a remembrer qe en cest parlement nulle responce estoit faite par les ditz seignurs a les dites sept billes cy dessus proscheinement escritz, ne ne poet estre a cause qe le dit parlement s'estoit departiz et finiz a mesme le jour devant qe rienz y fust pluis fait a ycelles."

perfectly conceals the fact that the lords refused to associate themselves with the commons' petitions, and thereby raised the standard of revolt against John. Despite the duke's careful precautions, the ancient traditions of their order had prevailed over bribes and threats. The aristocracy was once more in opposition.

Before this, a deputation of ministers and members of parliament had visited the old king, who had removed from Havering to Sheen.[1] Edward received them with his accustomed grace, and delivered answers to their petitions, though no single word of response was made to the petition in favour of the bishop of Winchester. Next day, February 24, the king's answers were reported to parliament. This concluded the business, except for the usual banquet, held on Sunday, March 1. On March 2 expenses writs were issued and parliament went home.[2] When the statute of the year was issued, a general pardon was secured by reason of the jubilee, for all offenders except traitors, murderers and the bishop of Winchester.[3] The substantial result of the parliament was that it condoned that repudiation of the work of the Good Parliament, which had already been virtually accomplished before its assembling. It showed how the administration could manage elections and overrule the commons, and to that extent marked a parliamentary reaction. It also showed that the baronage was less easily amenable to discipline than the knights and burgesses.[4]

John of Gaunt's apparent triumph was marred by the symptoms of a revolt of the magnates. This becomes the more important since it coincided with an unequivocal demonstration of opposition on the part of the clergy and the Londoners. The feeling of the prelates came to a head in the proceedings of the

[1] This was on Feb. 11; *Anon. Chron.* p. 103, "remoua en graunt feblestee de Haverynk." He travelled by water, and was greeted as he passed Westminster by the magnates and commons.

[2] *C.C.R., 1374–77*, pp. 515-517. The maximum allowance was for 51 days for Northumberland and Cumberland and Cornwall, and the minimum, 35 days for Middlesex.

[3] *Statutes of the Realm*, i. 397.

[4] The last act of the parliament was recorded in Beverley's wardrobe account (*E.A.* 398/9) under Sunday, Mar. 1, "festum parliamenti de concessione grossorum," which raised the week's hospicium expenses fourfold up to £241 : 4 : 2½. Is this "concessio grossorum," as compared with Sir Peter's feast in 1376, a retrogression? See above, p. 304, n. 4.

convocation of Canterbury. Here the sluggish archbishop was roused to action by Courtenay and Despenser. The bishop of London persuaded the clergy to refuse any grant until Wykeham took his place in convocation, and Sudbury was forced to follow his suffragans' lead. There was something of an ovation on the appearance of the bishop of Winchester, whose scanty band of followers emphasised the departure from his wonted pomp.[1] This concession ensured the ultimate grant of the clerical subsidy, but the attitude of the prelates inflamed John of Gaunt so far, that he called to his counsels John Wycliffe, his former associate at Bruges, thinking him apparently a good enough stick for beating the recalcitrant clergy. The bishops answered by accusing the duke's clerical adviser of heresy.

Convocation was still sitting when, on February 19,[2] Wycliffe appeared before the bishops at St. Paul's. The duke of Lancaster and Henry Percy, now marshal of England, escorted him, and "maintained" him unblushingly against the ecclesiastical judges. Hot words were exchanged between the two nobles and bishop Courtenay. The duke at last threatened to drag the bishop by the hair of his head from his own cathedral, and the proceedings broke up in disorder.

John's violence overshot the mark. The Londoners bitterly resented his rudeness to their bishop, and the result was that he had now to reckon with their opposition as well as with that of the clergy. Various attacks upon their liberties had already provoked the citizens against the duke, whose alliance with the capitalist class had made him an object of suspicion. Next day, February 20,[3] a meeting of the citizens was goaded to fury by the news that the duke was contemplating the transfer of the government of London from their elective mayor to a captain appointed by the crown. Two magnates who had hitherto been close supporters of the duke, Guy Brian and Walter Fitzwalter, were so enraged that, being large London land-holders and well known in the city, they told the citizens that the earl marshal held one of them in prison in his town house. A riot followed their communication. Percy's house was broken

[1] *Chron. Angliae*, p. 114: "Qui nullas moras nectens, venit Londonias cum exili numero famulorum qui perante omnes alios in obsecundantium populositate praecellere videbatur."

[2] *Ib.* p. 118,

[3] *Ib.* p. 121.

into and the prisoner released. Then the mob pressed on to the Savoy to wreck their vengeance on the duke. Hearing of the tumult, bishop Courtenay left his dinner, went to the Savoy and persuaded the rioters to go home. It happened that both the duke and the marshal were dining that day with John of Ypres, the steward. They therefore escaped personal violence, but were forced to flee ignominiously to Kennington to seek refuge with the princess of Wales.

Joan of Kent took advantage of the opportunity to strike a shrewd blow on behalf of her son. A new element, therefore, came on the scene, in the household servants of the princess and prince. Through their mediation peace was patched up between the duke and the Londoners. But the citizens were only appeased by a personal interview with the sick king, whose unfailing tact sent them home contented. Nevertheless the duke continued his indiscretions, and it needed an harangue from Ashton, the chamberlain, before the Londoners made their submission. They might, however, be well contented since the desertion of his allies, the defection of the barons, the opposition of the clergy and the citizens, and the breach with the party of the princess and her son involved the discomfiture of Lancaster.

In the midst of these exciting scenes parliament and convocation finished their labours and made their grants. The St. Albans chronicler blames the knights of the shire for their cowardice,[1] but their actions were no doubt influenced by the consciousness that victory had been gained for them by the bishops and the Londoners. Power had slipped from Lancaster, and the worshippers of the rising sun were already seeking the favour of the prince and his mother rather than that of the duke. The humiliation of Lancaster was completed when, on June 18, William of Wykeham was restored to his temporalities by the king and council,[2] and when Gregory XI.

[1] *Chron. Angliae*, pp. 130-131 : "quam pusillanimes fuere milites qui pro communitate stetissent." Their special faults were granting "tam novam et inauditam taxam," and the reversal of the sentences of those condemned in 1376.

[2] *Foedera*, iii. 1077. The prince of Wales received compensation for losing their custody. The pretext for the change of policy was Wykeham's promise of "certa onera in auxilium defensionis regni nostri." The malicious statement in *Chron. Angliae*, pp. 136-137, that Wykeham bribed Alice Perrers, may have a modest substratum of truth in the fact that the prudent prelate thought it

summoned Wycliffe to defend himself before the bishops from a charge of heresy.[1]

Thus the reign of Richard II. began when his grandfather was still slowly dying. A fresh effort was made to glorify the young prince when the old king was moved from Sheen to Windsor to take part in the accustomed feasting on St. George's Day, April 23. The prince of Wales was on that day dubbed knight and admitted to the order of the Garter. The king was then taken back to Sheen, where he remained until the end. His death, on June 21, gave to his grandson's advisers the form as well as the reality of power.

---

judicious to buy lands from her for the use of his new college at Oxford. But the implication that Alice still possessed great power is belied by the increasing infirmities of the king.

[1] The bulls are printed in *Chron. Angliae*, pp. 174-181. The date is Rome, May 22, 1377, and they do not seem to have been published in England until about Christmas. They are therefore long subsequent to the riots in St. Paul's and the city.

CHAPTER X

ADMINISTRATION AND POLITICS UNDER RICHARD II.

1377–1399

SECTION I

The Minority and the Peasants' Revolt, 1377–1382

With Richard of Bordeaux, a boy, entirely incompetent to govern, became king of England for the first time since the accession of Henry III. On the former occasion, the experiment of a regency had been tried, though all business capable of postponement was respited until the king came of age. Accordingly, the little Henry III. had neither great seal nor privy seal. No charters of a permanent character were drawn up in his name, and the necessary administrative writs were issued under the testimony and seals of the two regents. Three years showed the difficulties of this arrangement, and after 1219 it was found easier to pretend that the king was competent than to depute his authority. This pretence was also adopted in the shorter minority of Edward III. The same policy was naturally followed in that of Richard II.

From his accession Richard was provided with a great seal, privy seal and signet; documents of every sort were issued by his witness and authority, and no regency was formally established. Yet the difference between this minority and that of Henry III. was greater in appearance than in reality. In both the situation gave the real control of affairs to the king's council. But, under Henry III., the council tendered its advice to the regency; under Richard II. its business was to advise the great officers of the realm. This was the easier since the hundred and sixty years between the two reigns had witnessed the development of

the complicated system of government whose growth it is the chief purpose of this book to examine. Moreover, the transition to a child's reign from the despotism, tempered by revolt, under John was an abrupt one. The minority of Richard II. had been carefully prepared for by the weakness of the crown during the dotage of Edward III.

It followed that no accession ever marked less of an epoch than did that of Richard II. Under his nominal rule, as in the last years of the old king, power lay with the officials and the aristocracy, and the balance of parties was so even that neither the faction of John of Gaunt, nor the rival country party, could be regarded as supreme. It has often been said that Richard's accession destroyed the power of John of Gaunt, but we have already seen that Lancaster's pretensions had been nipped in the bud during the last months of Edward's reign. The concordat between the duke and the princess of Wales had been arranged before Edward's death, and neither party to the compact showed any disposition to depart from it.

In such circumstances, it was inevitable that the first acts of the new reign should be directed towards the completion of the arrangement between the duke and the princess. That compromise could best be upheld by the make-believe that the king was competent to govern with the help of his ministers and council. All that remained was to ratify a truce between the factions. The personal intervention of Joan of Kent brought about a reconciliation between the duke and the Londoners. This was effected at Sheen on June 23, the day after Edward III.'s death. Six days later, the settlement was publicly proclaimed at Westminster.[1] Partisans of the duke scoffed, and called Richard "king of the Londoners" rather than king of England. But such support made it possible to carry on the government, for London, as Philpot had boasted at Kennington, was in truth the king's chamber,[2] that is to say, his treasury.

In return for all this, Lancaster had to make concessions of his own. For instance, William of Wykeham, whose rehabilitation was already secured, was restored to his friendship. On June 30, the little king, "by the advice of his council," released

[1] *Chron. Angliae*, pp. 148-150.

[2] *Ib.* p. 147: "Civitatem nostram, cameram scilicet vestram."

Peter de la Mare from Nottingham Castle and compensated him for his "unreasonable detention."[1] Sir Peter's return to court was a triumph comparable to that of St. Thomas of Canterbury returning from exile, and the Londoners received the hero with every demonstration of affection.[2] But Lancaster showed strong disposition to retain authority constitutionally vested in him. As steward of England, he arranged all the details of the coronation, which took place at Westminster on July 16.[3] He took care that his eldest son, Henry of Derby, a boy a few months younger than the king, should play a conspicuous part in the ceremony. The personal relations between the two chief branches of the royal house had never been seriously disturbed. Henry of Derby had been included in the household, formed a few months earlier for the new prince of Wales, and became knight of the garter with his cousin on the last St. George's Day of the old reign. From that day, April 23, 1377, he was called earl of Derby.[4]

Besides Henry of Derby, four new earls were appointed at the coronation. Only one had political significance, and he was Lancaster's friend, Henry Percy, who became earl of Northumberland. Of the other three, the king's uncle, Thomas of Woodstock, made earl of Buckingham, received the normal rank assigned to a king's son, who had attained his majority. The elevation of the king's venerable *magister*, Guichard d'Angle, to the earldom of Huntingdon was the recognition of services done, and compensation for the loss of his French lands through his fidelity to the English connection.[5] The creation of John Mowbray as

[1] *C.C.R., 1377–81*, p. 7. *I.R.* 468/11 records that he received this for his imprisonment "certis de causis irrationabilibus." Mr. N. B. Lewis pointed out this passage to me.

[2] *Chron. Angliae*, pp. 150-151.

[3] John personally held the "court of claims" which decided upon the part to be played in the function by the various claimants to hereditary right to service at coronations. Finally he delivered the "processus coronisationis . . . per manus suas proprias in cancellaria domini regis ibidem in rotulis eiusdem cancellariae custodiendus." It is printed in *Foedera*, iv. 5-10. There is a very circumstantial account of the coronation in the *Anon. Chron.* pp. 107-115. The whole ceremony must have been extremely arduous for a boy of ten.

[4] He is called "le count de Derby, fitz al duc de Loncastre" in *Anon. Chron.* p. 114. He "tenist une espey new, esteaunt avaunt le roy, en ses mayns, a maunger, en lieu de soun pier"; *ib.*

[5] "Quendam militem Vasconem, magistrum suum"; Malvern, p. 393. "Meastre del prince," *Anon. Chron.* p. 114. "Quondam magistrum suum," *Chron. Angliae*, p. 162. Guichard was in fact a knight of lower Poitou, who had

earl of Nottingham was an anticipation of the time when this insignificant youth was expected to inherit the lands of his grandmother, Margaret, the daughter of Thomas of Brotherton, and thus combine descent from Edward I. and Edmund of Lancaster with the estates of the Mowbrays, the Braoses, the Segraves and the Bigods. The death of the young earl in 1383 transferred his inheritance to his younger brother, Thomas, of whom we shall have much to say.

We have little information as to how England was governed between Richard's accession and coronation. Most acts were warranted by the council, but we cannot tell how that council was constituted. The curious reluctance to do much more than reappoint the old king's ministers shows that it was thought best to make no extensive changes until after the king was crowned. At a great council of magnates, held on the day following the coronation,[1] more decisive steps were taken. The most important was the election by the magnates of an extraordinary council of twelve persons, "in aid of our chancellor and treasurer," and specially charged to raise money to defend the realm against the French. It was in fact, and almost in name, a council of regency, to which the two chief ministers were to look for the instructions which normally came from the king. To make its position more formal, the councillors were appointed by patent and sworn in the king's presence. The business of the chancellor and treasurer was to "execute the things which shall be determined by themselves and by the said elected persons or by the majority of them."

The constitution of the council of twelve shows the same spirit of compromise which marks all the early acts of the reign. It followed recent precedents in representing the various grades of

---

fought on the French side at Poitiers, but had adhered to the English cause after the treaty of Calais, and had transferred his estates to the allegiance of the English crown. After the rupture of the treaty he lost his lands and settled in England. He was already an old man, and died in 1380. He was granted first 1000 m., afterwards £1000, a year for life "for his services to Edward III., the Black Prince and to Richard and for the maintenance of his earldom"; *C.P.R., 1377–81*, pp. 16, 314. His will is in Nichols, *Testamenta Vetusta*, p. 109. His earldom was for life; *Complete Peerage*, iv. 286, original ed. I cannot find the "small town of Angle near Charenton in Poitou," nor "Charenton" either. It is probably Angles, dep. La Vendée, arr. Les Sables d'Olonne. For the office of "magister," see later, p. 331, n. 1.

[1] "Lendemain de nostre coronement"; *Foedera*, iv. 10.

dignity, including two bishops, two earls, two barons, two bannerets and four knights bachelor, one of whom was a legal expert.[1]

The persons selected show that an effort was made to represent in it the three chief parties of the state, the old courtiers who followed John of Gaunt, the new court party of the friends of the Black Prince, and the aristocratic opposition. Of the bishops, Erghum of Salisbury, Lancaster's chancellor, balanced Courtenay of London, the aristocratic champion. Neither of the earls could be regarded as Lancastrian, for Edmund of March was the leader of the opposition, and Richard of Arundel, though akin to John of Gaunt, had already shown himself to be on the side of the aristocracy. In the same way, the two barons counterbalanced each other, for Latimer, the victim of the Good Parliament and now once more the brain of the old court party, was set against John, lord Cobham, a Kentish baron, who was a friend and an executor of the princess of Wales, and, in his later career, a stalwart of the baronial opposition.[2] So it was with the two bannerets. One of them, Sir Roger Beauchamp of Bletsoe, had succeeded Latimer as chamberlain in 1376, only to be removed in January, 1377, when John of Gaunt got the upper hand.[3] The other banneret, Sir Richard Stafford, uncle of the

[1] The patent of appointment is printed in *Foedera*, iv. 10-11, and *Rot. Parl.* iii. 386, and summarised in *C.P.R., 1377–81*, p. 19. A slightly different account is given by Malvern, p. 394, who says: "post coronationem regis ex communi assensu deputati fuerunt ad gubernationem regis et regni . . . duo episcopi, duo comites, duo barones, duo baneretti et duo bachilarii milites cum uno juris terreni perito." The patent adds the two other knights. One of these was Sir John Knyvet, clearly Malvern's legal expert. The other was the court knight, Sir Ralph Ferrers; *ib.* p. 398. All the councillors are recorded as receiving salaries, except Arundel, Ferrers and Knyvet. This may be accounted for in Knyvet's case, since he had been earlier granted 200 marks a year when "retained for life as one of the council"; *C.P.R., 1374–77*, p. 407, *ib., 1377–81*, p. 111. For this and all other problems as regards these councils, see the valuable note of my old pupil, Mr. N. B. Lewis, on "The Continual Council in the early years of Richard II., 1377-1380," in *E.H.R.* xli. 246-251. Mr. Lewis has made important corrections in Prof. Baldwin's standard account in *The King's Council*, pp. 120-125. As regards the division of the council into ranks, Prof. Baldwin is straining the loose sense in which the councillors were grouped when he describes them as "persons of different estates." He is in error in making their appointment "by the advice of the lords of parliament." Parliament only met in October, but Mr. Baldwin does not distinguish between the councils of July and October. Mr. Armitage Smith, *John of Gaunt*, p. 192, makes a slip in including Edmund, earl of Cambridge, among the councillors.

[2] For Cobham's later career, see later, pp. 396, iv. 29 and 35.

[3] For Beauchamp, see above, pp. 299, 307, and later, p. 347, n. 3.

earl, was a lifelong follower of the Black Prince.[1] Of the four knights, Knyvet, the former chief justice and chancellor, stood on a higher plane than the rest, though he was more an official than a magnate. Another, Sir Ralph Ferrers, was a thoroughgoing and violent member of court faction, "old in years, inveterate in evil deeds."[2] The other two were old servants of the Black Prince. Sir John Devereux had served him in Guienne and in Spain, and the confirmation of a grant of 200 marks a year, made by Richard when prince, had recognised his devotion.[3] His subsequent history shows that he was no courtier extremist.[4] Sir Hugh Segrave, after earlier service as an esquire of queen Philippa,[5] and steward of John of Gaunt's household when the duke was in Gascony,[6] had acted as steward of the lands of the Black Prince until his death,[7] and was the only layman, except John of Gaunt, among his executors. His close relations with her husband ensured him the favour of the princess Joan, who retained him as steward of her lands.

The significant thing about the council was the strength of the followers of the Black Prince and his widow. Sheer malice made the St. Albans chronicler regard a reasonable compromise of all interests as due to the diabolical cunning of Lancaster, who, when limiting himself to two declared partisans in Erghum and Latimer, prudently combined them with two upholders of

[1] He was a younger brother of the first earl, and had been steward of the prince's lands as early as 1347 (*M.B.E., T.R.* cxliv. 39, 57); auditor of his wardrobe keeper's account in 1358 (*ib.* cclxxviij. 48); and the prince had often petitioned the pope on his behalf; *C. Pap. Reg. Pet.* i. 154, 179, 456. In 1349 he had two sons for whom dispensations to hold pluralities were asked, a favour granted to the elder, then aged eighteen. A third son, Edmund, to whom a prebend was granted in 1367, was afterwards bishop Exeter, keeper of privy seal, and chancellor. See for him later, iv. 7-8, 9. Though put in council as a banneret, Sir Richard was described as a "baron" in 1362 (*Foedera*, iii. 657), and had been summoned to parliament in 1371-79. Modern conjectures why his son Edmund was not a "member of the house of lords" postulate a theory of hereditary baronies, which was not yet accepted in England.

[2] Malvern, p. 398: "Senex dierum, malorum inveteratus."

[3] *C.P.R., 1377–81*, pp. 27-28.

[4] See later, pp. 428, 463, for his stewardship, 1388–93.

[5] *C.P.R., 1367–70*, p. 335. He was a knight in 1372; *C.C.R., 1369–74*, pp. 453, 454.

[6] *John of Gaunt's Register*, ii. 103, "lors seneschal de nostre houstel."

[7] *C.P.R., 1377–81*, p. 34: the king's confirmation of a grant for life by the Black Prince in 1372, for his fee in that office and for good service. Compare the "senescal de noz terres" of the princess's will; Nichols, *Royal Wills*, p. 75. See also *C.P.R., 1374–77*, pp. 293, 376.

the opposite faction, in bishop Courtenay and the earl of March. These four party leaders were all that counted to the hot partisan; the rest were denounced as "inclined through fear or complaisance to obey the duke in all things."[1] If John of Gaunt was to prevail, he had to keep up his friendly relations with the princess. But the situation was so little to his liking that he withdrew to his castle of Kenilworth, while his friend, Henry Percy, resigned the marshalship, which went to Arundel's brother, John Arundel.

The same principles of selection were applied in the appointment of the ministers as of the council. The servants of the king's father bulked largely. Sir Hugh Segrave quitted the service of the princess of Wales to become steward of her son's household. Aubrey Vere, uncle of the boy earl of Oxford, who had been, since 1367, retained for life in the Black Prince's service, had his earlier grants confirmed,[2] and was soon to become an active officer of the young king. Even greater favour was shown to the prince's clerks than to his knights. Until after the coronation, Edward III.'s household was partly kept in being, and was made responsible for his debts and funeral expenses.[3]

A free field was given to the new men who took conspicuous posts in Richard's royal household, and they soon found their way into the offices of state. Among the clerks of the Black Prince[4] who entered Richard's household service were William Pakington, receiver of the princess Joan, and Reginald Hilton,

[1] *Chron. Angliae*, p. 164: "eius conniventia ordinati sunt qui regis haererent concilio et quodam modo tutelam haberent. Ne autem mala suspicio oriretur de ordinatis ad concilium . . . viris regno suspectis, scilicet episcopo Sarisburiensi, magistro Radulpho Ergone, et domino de Latimer, prudenter eis admiscuit viros varios, scilicet episcopum Londoniensem magistrum Willelmum Courtenay, et comitem Marchiae dominum Edmundum Mortimer, eisdem adjunctis nonnullis aliis, quos partim timore partim obsequiis, ejus voluntati novit per omnia parituros." Compare the significant variant to this, retained in Walsingham, i. 339: "de quibus opinabatur optime plebs communis."

[2] *C.P.R., 1377–81*, p. 161.

[3] For this see later, iv. 192-193. Richard Beverley, the outgoing keeper, belonged to a north country family which had close relations with John of Gaunt. He became cofferer in 1369, after John of Ypres was made controller. After his resignation of the keepership on July 26, 1377, we hear no more of him. But it is tempting to believe that he was the Richard Beverley who now became the keeper of Lancaster's wardrobe, though it is more likely that this was another person of the same name. Compare *Scrope and Grosvenor Roll*, i. 54, where "Monsieur Richard de Beverley" gave evidence in Scrope's favour. He, however, was a knight. Were there then three Richard Beverleys, two clerks and one knight?

[4] The witnesses to a charter "called letters patent" of 1375 in *C.Ch.R.* v.

who became keeper and controller of the wardrobe of the household.[1] A former receiver of the Black Prince, Alan Stokes, not to be confused with Sir Alan Stokes, knight,[2] became keeper of the great wardrobe after an interregnum, during which Master Walter Ralphs,[3] tailor of Richard as prince and king, and husband of his old nurse, assumed accountability. The highest post went to John Fordham, "secretary" and executor of the late prince. He, after combining the offices of receiver and keeper of the privy seal of the shortlived household of Richard as prince of Wales, became, immediately after his master's accession, keeper of his privy seal.[4] Only less important was Robert Braybrook, described in April 1379 as the king's secretary,[5] a member of a good Northamptonshire family and a kinsman of the princess of Wales.[6] The term "king's secretary" may only be used in the old sense of confidant, but Braybrook is almost certainly the first of the series of official secretaries, keepers of the royal signet, whose existence is first recorded during Richard II.'s reign, and who became, as the custodians of Richard's favourite instrument of prerogative, the executive officers of the chamber.

The knights and squires of the Black Prince stood out conspicuously among the holders of the lesser ministerial posts tenable by laymen. I have spoken already of their place in the new council, and they took an equally large share of the more subordinate positions. The three former "masters" of the young king all obtained recognition. Sir Richard Abberbury, a knight in the Black Prince's service since 1367 or earlier, and the

241, repeated in *C.P.R., 1422–29*, p. 187, show the Black Prince's chief advisers: bishop Harewell of Bath, the prince's counsellor, Fordham, his secretary, Alan Stokes, his general receiver, and William Spridlington, all clerks, and among knights, Aubrey Vere, Nigel Loring, his chamberlain, Hugh Segrave, his steward of lands, and John Maynard, steward of his household. Harewell, Loring, Maynard and Spridlington were not given posts in the new administration.

[1] For these see later, iv. 190-192, 194-196.

[2] See later, iv. 385, n. 1.

[3] For Stokes and Ralphs see later, iv. 384-385.

[4] For Fordham's service to Richard as prince, see later, iv. 189-190. His appointment to the king's privy seal was on June 26; *I.R.* 465/7. "Johanni de Fordham, clerico, custodi priuati sigilli domini regis . . . a die xxvi° Junii proximo preterito, quo die idem Johannes recepit custodiam sigilli predicti."

[5] *C. Pap. Reg. Pet.* i. 397, a granted petition of 1363 by the princess Joan on behalf of her kinsman, Robert Braybrook, student of civil law, for a canonry at York. He was one of the executors of Joan's will. She describes him as "amicus meus carissimus" and "consanguineus meus"; Nichols, *Royal Wills*, p. 80.

[6] *C.P.R., 1377–81*, p. 330.

"first master of the prince," was put among the knights of the king's chamber.[1] His successor as Richard's "master," soon to be made earl of Huntingdon, was too old and dignified for further service, but the place thus left vacant was taken by Sir Simon Burley, an experienced warrior who had done good service in the French wars under the Black Prince and Chandos.[2] After Edward's death, Burley passed to the service of the princess Joan, and thence to that of her son.[3] Burley, though still remaining the king's "master," rose from being chief chamberlain of the prince into the vice-chamberlain of the king, an office which, with a minor as hereditary chamberlain, gave him full control of his department. For the rest of his life Burley ruled both chamber and king, for he seems to have been the directive force of the little group of chamber officers which constituted the most intimate and coherent body of thoroughgoing royalist partisans. Among his colleagues may be mentioned another old servant of the king's father, Sir Nicholas Bond.[4] More details of the

[1] *C.P.R., 1377–81*, p. 155. The "magister" of an infant magnate or prince was not the instructor who gave him lessons, but the person of quality responsible for his safety and general direction. If he taught him at all, it was manly exercises and accomplishments. Accordingly the post normally went to a knight of seniority and position, and not to a clerk. A young lady of rank had a "magistra," with a similar function. Catherine Swynford had been "magistra" of John of Gaunt's daughters, Philippa and Elizabeth. She was "magistra" in 1379 and "nuper magistra" in 1382; *John of Gaunt's Register*, part ii.; *Duchy Lanc. Misc. Bks.* xiv. ff. 96, 132.

[2] Burley belonged to a Herefordshire family from Birley near Weobley, and several members of it attained some distinction. But I cannot find any good authority for the story that he was a kinsman of the famous Aristotelian Walter Burley who introduced him to Edward III. and the Black Prince. It is most unlikely on chronological grounds. So early as 1366 he was a knight, and had married a lady named Margaret of the diocese of Poitiers; *C. Pap. Reg. Let.* iv. 54. In 1367 he fought with the advance guard at Nájera (Chandos Herald, ll. 2466, 2555), and his main service was with the Black Prince in Aquitaine, and later in England.

[3] Monk of Westminster in Higden, ix. 155: "le dit Simond servist le roy al temps de sa juvente et auxint servist le noble prince, piere le roy, et la princesse, miere le roy." He was still called "meastre del roy" at the time of the Gloucester parliament in 1380; *Anon. Chron.* p. 123. Burley's early career is set forth in detail in a patent of 1382, printed in *Foedera*, iv. 155; see *C.P.R., 1381–85*, p. 206, for a brief summary of this letter. His relations with Richard began, "ab infantia nostra tenera . . . antequam ordinem militarem obtinuimus, et tempore quo illum ordinem suscepimus, . . . dicto Simone toto tempore camerario nostro principali, et postmodum hucusque subcamerario nostro existente."

[4] Bond had served in the Black Prince's chamber as far back as 1361. Burley carried the boy king in his arms back to the palace after the fatiguing ceremony of the coronation, and Bond held Richard's bridle when he proceeded on horseback to the function; *Chron. Angliae*, p. 55.

chamber staff and its operations will be given later, but it is necessary to emphasise here its importance. Not all the old servants of the king's parents obtained appointments about his person. Some of the prince's followers had done their work, and Joan had to fill up the gap left by the promotion of her officers to the royal household, by advancing her subordinate ministers to the posts left vacant.[1]

The new elements thus brought into the king's service made difficult the position of the chancellor and treasurer. When Edward III. died, bishop Houghton of St. David's was chancellor, and on June 28 he was resworn under the new sovereign, only to resign in despair in 1378 at the parliament of Gloucester. Bishop Wakefield, the treasurer, was superseded still earlier on July 19, 1377, by the veteran ally of Wykeham, bishop Brantingham of Exeter, who remained treasurer until February 1381. During this period Brantingham worked with three chancellors, namely Houghton, Sir Richard Scrope and archbishop Sudbury. It looks almost as if the two officers of state were selected from the party of the magnates, and that they were counterbalanced by the courtier element in the household posts. Anyhow, the ministers were neither a strong nor a harmonious team. They were, moreover, controlled both by the council of regency, and by the baronage in parliament.

Parliaments under such conditions had an important roll to fill. That the first parliament of Richard II. took up and continued the work and policy of the Good Parliament is a remarkable illustration of the continuity of popular sentiment. This parliament sat at Westminster between October 13 and November 28.[2] It shows that the council appointed in July

[1] Thus Pakington was succeeded as receiver by William Fulburn, formerly keeper of her great wardrobe, and her attorney; *C.P.R., 1374–77*, p. 376. Fulburn remained receiver until her death in 1385. Sir John Worth was steward of her lands. Joan did not forget her old friends; among her numerous executors were Braybrook, then bishop of London, bishop Wykeham of Winchester, Fulburn and Worth, and also Simon Burley, Lewis Clifford, Richard Abberbury, John, lord Cobham, John Clanvowe, Richard Stury, William Beauchamp and William Neville. Clifford, Stury, Worth, Philip la Vache, T. Latimer and others were in 1385 exempted from military service that they might stay continuously about the person of the king's mother for her comfort and security; *C.C.R., 1381–85*, p. 553; *Foedera*, vii. 474, original edition.

[2] *Rot. Parl.* iii. 3-29. P. 29 gives these dates, adding "et issint finist ce present parlement." *Anon. Chron.* p. 116, ends the parliament on Dec. 6. The

exercised only restricted authority, when two magnates not members of it, archbishop Sudbury and the duke of Lancaster, took the lead in the proceedings of parliament. Sudbury usurped the chancellor's natural place in declaring the cause of summons in a highly hortatory discourse.[1] The commons paid Lancaster the compliment of requesting his assistance as a member of the committee of lords, whose advice, after the fashion of the age, was desired to guide the knights and burgesses. The duke put on an injured air, declaring that he had been accused of treason by the commons, and that he could not give them advice unless the aspersion were removed. Thereupon, every rank of parliament joined in a vote of confidence in the duke's loyalty, and John then fell in with their wishes.

The commons showed their fidelity to the traditions of the Good Parliament by electing Sir Peter de la Mare, again member for Herefordshire, as their Speaker. Peter at once laid before the king and magnates three wishes of the commons. These were, firstly, the appointment in parliament of eight sufficient persons of divers estates to be continually resident at the council, in order to amend the estate of the realm and carry on the war with France in co-operation with the king's ministers.[2] Secondly, the nomination in parliament of the attendants about the king's person during his tender years, and the defraying of the cost of the household from the permanent revenue of the crown, so that special grants could be applied entirely to carrying on the French war. Thirdly, the upholding of the common law so that no law ordained in parliament should be repealed without parliament.

The king's advisers dealt favourably with these requests. The first was substantially granted. Instead of eight, nine

---

expenses writs were issued on Dec. 5. But compare *Rot. Parl.* iii. 12, which show that on Dec. 20 "durant encore ce present parlement, Alice Perrers fuist fait venir en mesme le parlement, devant les prelates et seignours, pur y respondre sur certeins choses." The magnates remained in session a month after the commons had gone home, and their acts during that period were regarded as a part of the proceedings of parliament.

[1] *Rot. Parl.* iii. p. 3: the text was "rex tuus venit tibi," and Sudbury thought it necessary to explain that it meant in French "vostre roy vient a toy." The chancery clerk who compiled the roll remarks, "et devisa sa dite theme en trois parties par manere come ce fust une predication." Would he have been as critical of a chancellor?

[2] *Ib.* iii. 5-6: "oept suffisantz persones de diverses estatz, d'estre continuelment residentz du conseil . . . avec les officers le roi."

"resident councillors" were at once appointed. We are nowhere clearly told of the relation of this body to the twelve chosen by the magnates in July. The fact that six of the nine were members of the earlier council suggests that in effect the earlier body was superseded by a new group fortified by parliamentary sanction. Some of the exclusions were significant. There can be little doubt that Latimer was omitted in response to the petition of the commons that all the late king's councillors, who had been reproved for their evil counsel, should be removed.[1] Knyvet and Ferrers may also have been turned out on their demerits, though the exclusion of the earl of Arundel cannot be explained in that way. The six inclusions are just as important. Such baronial stalwarts as the earl of March and bishop Courtenay were still balanced by bishop Erghum and Sir Richard Stafford, while the continued membership of Devereux and Segrave shows the persistent strength of the Black Prince's following. The new members were Hugh, earl of Stafford, nephew of Sir Richard, bishop Appleby of Carlisle, who brought with him the tradition of the Good Parliament, and Henry Scrope, who ranked as a banneret. The elected councillors were to hold office for a year only, and were not eligible for re-election for the next two years.[2] While the July council kept an even balance, the council chosen in parliament gave a preponderating weight to earls and bishops. The absence of any baron is noteworthy, as is the smaller representation of bachelors. Annual election, on the other hand, was likely to secure for leading magnates a share of power, turn by turn, and was directly adverse to the formation of a permanent conciliar clique. Parliament still sought control by magnates rather than control by courtiers, and thought that high rank was a protection from court pressure. Within these limits the principle of a balance was still kept up.

[1] *Rot. Parl.* iii. 16: "qe touz les ditz tieux conseillers q'ont estez avaunt ces heures atteintz de reprove autentikement soient oustez et remuez de touz conseilles du roy."

[2] *Ib.* iii. 6: "Et est ordenez qe les ditz neof conseillers issint esluz, *et auxint les oept conseillers qi pur le temps serront*, ne demurront en dit office fors qe soulement un an entier." The phrase italicised suggests that the crown contemplated eight as the permanent number, but added an additional member for this particular occasion. Malvern, p. 394, makes this provision apply to the July council; but his statement is not corroborated, and is too vague to be pressed. Mr. N. B. Lewis, in *E.H.R.* xli. 247-248, gives particulars of the names and pay of the October as well as of the July council.

Great pains were taken to prevent the councillors being corrupted by gifts, or taking advantage of their office to secure private ends. Cognisance of the breach of such rules was to lie with the king and his "uncles of Spain, Cambridge and Buckingham." This is almost the only instance of a specific administrative function being given to the king's uncles. Every member drew regular pay from the exchequer for his services.[1] Even bishop Erghum was not thought sufficiently rewarded by his stipend as chancellor of Lancaster, but took his salary as councillor with the rest. No additional fee was assigned to the three great officers of the crown, Houghton, the chancellor, Wakefield, the treasurer, and Fordham, keeper of the privy seal. It is not clear that they were members of this council: perhaps they were merely assessors, who attended its sessions because it was their duty to execute its acts.

The last clause of the first request of the commons takes us back from the Good Parliament to the days of the Lords Ordainers. In 1377 Sir Peter and his followers took a step which in 1376 they had declined to make. It was to ask that the chancellor, the treasurer, the chief justices of the two benches, the chief baron of the exchequer, the steward and treasurer of the household, the chief chamberlain, the clerk of the privy seal, and the two chief keepers of the forest north and south of Trent, should, until the king's majority, be nominated in parliament. This extreme demand was not rudely repulsed, and it was agreed that, "as long as our lord the king was of tender age," not only the resident councillors, but chancellor and treasurer, steward of the household and chamberlain, saving the hereditary rights of the earls of Oxford to the chamberlainship, should be elected in parliament, and that, if any such officers died when parliament was not in session, their successors should be appointed by the advice of the continual council. Moreover, the king was made to agree that the other officers mentioned by the commons should also

[1] See for this Baldwin and Lewis, as above. Pay had, however, been assigned to the council from July onwards, for the dispossessed councillors of October, Latimer, Cobham and Beauchamp, all had payments to them entered in the issue rolls. Three of those suspended, the earl of Arundel, Sir John Knyvet and Sir Ralph Ferrers, drew no pay, but in October Hugh Segrave is recorded as having received pay for 340 days' attendance at council in about eighteen months. This points to almost daily sessions. Compare later, n. 3, pp. 343-344.

be appointed with the assent of the lords of his council.[1] Thus the request was substantially granted—the king only reserving for his "personal choice" the two chief justiceships, the office of chief baron, the two keeperships of the forest, the two household appointments and the keepership of the privy seal.[2] The only other reservation was the provision that the chancellor, treasurer, keeper of the privy seal and the two chief justices, should be regarded as competent to carry on the ordinary work of their departments without the presence of the standing councillors.[3] It was clearly impracticable that the discretion, allowed to a minister by an active king, should be whittled away by the council which now formed a sort of collective sovereign.

The second of Sir Peter's demands was less generously conceded. The lords of parliament declared that the commons asked far too much in desiring to nominate and remove the king's household staff.[4] It was sufficient that, during the minority, precautions should be taken that no officer of the crown should pursue personal gain or personal ends. A moderately sized household and moderation of household expenses could best be secured by deliberation between the lords and the great officers of the household. The third request was granted in full.

Numerous petitions of the commons, clergy and the city of London went beyond the Speaker's original requests. They emphasise with great particularity the administrative abuses in the household, the chancery and the exchequer. Few of these were rejected absolutely, for those not accepted were generally referred to the consideration of either the "lords of the continual council," or to the "lords of the great council." The exceptional number of references to great councils which occur in the chancery rolls of the next thirteen months[5]

[1] *Rot. Parl.* iii. 16.

[2] This reservation suggests that the privy seal was still regarded as an household office. See later, vol. v. ch. xvi.

[3] *Rot. Parl.* iii. 6: "purveuz toutes voies qe chanceller . . . et touz les autres officers du roi, purront faire et esploiter les busoignes qe touchent leurs offices sanz la presence de tieux conseillers." I have combined Mare's requests with the formal petitions and their answers, recorded later in the roll, pp. 15-25.

[4] *Ibid.* It was not far from legal fiction for the lords to stress "la volentee du dit roy expresse" in the case of a boy of ten. "The king" always meant the ring of intimate councillors. The real problem was whether these were magnates or courtiers.

[5] There are occasional references to the great council, including a few warranties of writs "by great council," during the whole of this period, as, for

suggests the intention, during the minority, of controlling the permanent council by frequent gatherings of magnates.

instance, on July 21 and Oct. 3-13, 1377. But after the close of the parliament of 1377, there was, for some thirteen months, an almost constant stream of warranties by great council recorded both in the patent and close rolls. They were most frequent in Feb. and Mar. 1378, when there were such warranties on nine days in Feb. and nineteen days in Mar. In April such action was only recorded on three days, but in May for eight days. After that, the warrants became infrequent, but continued until Dec., one warranty, recorded on Nov. 2, suggesting that the "great council" was at Westminster during the session of the Gloucester parliament. But this is unlikely, and we must not assume that the date of the writ was that of the order of the great council for its issue. From Dec. 1378 to May 1379, there were no such warranties, though we know that there was a real great council at Westminster in Feb. 1379. After this they ceased altogether, for the acts of Mar. 12 and July 18, 1380, refer to orders issued at much earlier dates. I do not find any more until after the Peasants' Revolt, but from Nov. 1382 onwards warranties by great council again appear, though infrequently, on the chancery rolls. I am indebted to Miss Mary H. Watson for laboriously collecting these references to the activity of the great council between 1377 and 1382. The most striking result of the investigation is certainly the almost continual sessions of this body between Dec. 1377 and Dec. 1378. The question, however, arises, what does "great council" mean in those references? It is hard to believe that the meticulous chancery clerks used the adjective "great" without some specific meaning, and it is harder to agree with the makers of the indexes to the calendars of patent and close rolls that it is equivalent to "king and council in parliament," and sometimes almost equated with parliament itself. Indecision on these points has limited the use and increased the inaccuracy of these generally valuable indexes, for it has resulted in many of their references to "council, the great," having, in fact, no reference to the great council at all. Two possibilities as to the significance of the phrase may, however, be examined, though the evidence for assigning a precise meaning to it is very scanty. Firstly, any meeting of the ordinary royal council "afforced" by the summons of selected magnates or officials might be called a "great council." Thus on Mar. 19, 1378, the king's recognition of his debt to the Londoners for an advance to Edward III., was issued in Richard's name, "de sa propre science, si bien de l'avys de son plein conseil, comme d'autres grauntz de son roialme d'Engleterre." On Apr. 12, the mayor of London went to Westminster, "coram magno concilio domini regis," and recognised a bond on behalf of the city; *Foedera*, iv. 32. It looks as if the addition of "autres grauntz" changed the "concilium" into "magnum concilium." This was certainly so with the "magnum concilium," summoned for Jan. 30, 1379, and finally meeting on Feb. 7, which assembly was an ineffectual attempt to dispense with the need for a parliament. See later, pp. 470-471. I have dealt later (p. 346, n. 2), with the relations of bannerets to great councils. Sometimes these great councils even included representatives of the commons, as, for instance, that of Aug. 17, 1377, to which the city of London was requested to send "four of its wisest citizens." This was a council summoned to deal with "the war and the protection of commerce on the sea"; *London Letter Books*, H. p. 73. It looks as if a writ of privy seal was now the normal method of summoning a "great council," the great seal being reserved for parliaments. Compare the later Scottish usage of "parliaments" summoned by the great seal, and "general councils" convoked by the signet; Rait, *Parliaments of Scotland*, ch. i. The alternative explanation is that "magnum

Indeed, during the session of parliament, the "lords of parliament" acted regularly together as an advisory body, and after the commons went home, the lords and prelates remained in session until the eve of Christmas, busied with the trial of Alice Perrers. They heard many witnesses, including all the chief officers of Edward III.'s household, and renewed the condemnation of her made in the Good Parliament.

Well satisfied with their success, the commons granted a subsidy for the prosecution of the French war. This was claimed to be the largest ever made, and was the more necessary since the king had been living from hand to mouth by the help of short advances from his friends in the city, who took the crown jewels as pledges for the return of their loans. Yet stringent conditions accompanied the grant. In particular, the commons, insisting on the plan which their predecessors had renounced,[1] obtained the appointment of two treasurers of war, charged to see that the extraordinary levy should be exclusively applied to military expenses. The two treasurers were distinguished London citizens, William Walworth and John Philpot, who had already done much to aid the king and were actually sitting in parliament for the city.[2] They were now sworn to the new office in full parliament. They were to account for their receipts and issues as the king and the "great council" should ordain. The precedent set by their appointment was often subsequently followed.

On November 28 the commons were dismissed.[3] For nearly

---

concilium" was another name for the special "continual council" of the minority. The chief reasons for this are the undoubted fact that the continual council held throughout 1378 almost constant sessions, and that the revived continual council of 1386, which consisted of only eleven members, plus the three great officers, is called in the commission of appointment, the "king's great and continual council"; Monk West. p. 84; *C.P.R., 1385–89*, p. 244; *Statutes* ii. 93, 94. But cf. *Rot. Parl.* iii. 221, where it is called "continual council" only. The whole question is worth more detailed investigation than I have been able to devote to it, but I am not sanguine that it can ever be satisfactorily solved. Yet the revival of the frequent references to the great council in the "constitutional period" after the changes of 1386 may well have some significance. See later, pp. 414-418.

[1] See above, p. 316.

[2] *London Letter Books*, H. p. 75.

[3] The expenses writs were issued on Dec. 5; *C.C.R., 1377–81*, pp. 105-107. Nicholas Carew, the somctime keeper of the privy seal, was member for Surrey "loco militis." See above, pp. 276, 309. The Lancashire members were described as "the knights of the shire for the duchy."

a year the experiments initiated by them were suffered to work without much interference. It cannot be said, however, that all the petitions accepted were faithfully carried out. The promise to appoint certain ministers in parliament was broken by the continuance in office, during the whole of the succeeding year, of the same ministers of state and household who had been in office when parliament assembled. The most that can be said in extenuation is that absence of complaint against a minister was looked upon as evidence that parliament was willing he should continue to act. There is nothing in the roll of parliament to suggest a meticulous examination, and acceptance or rejection of the ministers, such as had been carried out in the parliament at York in 1318.[1] Unfortunately the comparison between 1377 and 1318 may be pushed much further. On each occasion parliamentary control was short-lived, because it did not prove a satisfactory form of government. The mischief wrought in the former period by royalist intrigue, was brought about in the latter by the irresponsibility of the governing clique.

Within three years the system of government by a limited "continual council" broke down. The French and Scottish enemies were active and successful, not so much through their own merits as because of the incompetence of English leadership. The southern coasts and the northern marches were constantly exposed to invasion, and the sea was unsafe for merchant ships. The country was beset by anarchy, the worst districts being the marches of Scotland and Wales. John of Gaunt was expected to do great things against the French, but it was not until July 1378 that he started on his projected expedition to Brittany. There he failed badly in the siege of Saint-Malo, and came home discredited within two months.

A new trouble during John's absence complicated the situation. Two esquires had taken prisoner a Spanish magnate at the battle of Nájera, and as his ransom remained unpaid, his son, eleven years later, was still kept by his captors as a hostage. Alarmed at the prospect of losing a possible source of wealth, they had hidden away their prisoner, and for that offence were thrown into the Tower. Escaping thence, they took sanctuary in Westminster abbey. There Sir Alan Buxhill, constable of

[1] See for this, *Pl. of Edw. II.* pp. 125-129.

the Tower,[1] and Sir Ralph Ferrers, the former councillor, a knight of the king's chamber,[2] burst into the abbey church while high mass was being said, slew one of the squires and the sacristan of the abbey.[3] A great outcry was raised against this violation of sanctuary. Lancaster, though then in Brittany, was denounced as the instigator of the deed.[4] Bishop Courtenay excommunicated Buxhill and Ferrers, but ostentatiously exempted the king, the princess and the duke from his general fulmination against breakers of sanctuary. All the duke's enemies seized upon the chance of taking him at a disadvantage. The Londoners, inspired by their mayor, John Philpot, revived their ancient feud against him. They contrasted his failure in Brittany with the signal success of their mayor in clearing the seas of Scottish pirates with a fleet collected at his own expense. The quarrel was the more dangerous, since many of the magnates, and most of the courtiers, including Sir Simon Burley, were upon the side of the duke.

The position was aggravated by the need of assembling a new parliament to obtain fresh supplies. It was thought prudent by the duke that parliament should meet at Gloucester so that the Londoners could not restrict its freedom.[5] The estates met on October 20, 1378, in the great hall of St. Peter's abbey.[6] Chancellor Houghton begged for more money, but the commons objected that there had been a promise last year that, with the aid of the subsidy of 1377, the king would henceforth carry on the war "on his own." The debates were violent, and confused by cross issues.

[1] See for him, p. 235, above.

[2] Malvern, pp. 397-398, attributes the crime to "filii Belial scelerati de familia regis," whose "ductores et duces" were Buxhill and Ferrers. *Anon. Chron.* p. 122, substantially agrees, calling the pair "chivalers le roy," and mentioning that they had with them "plusours vadlettes del measone le roy." This York chronicler's account is vivid and full.

[3] Dr. Armitage Robinson, *Proceedings of the Brit. Acad. 1907-1908*, p 64, rejects the story of the sacristan's death as St. Albans tradition. It is made certain not only by *Anon. Chron.* p. 122, "une sergeaunt de mesme la esglise qe fuist segrestane fuist vilanesment tue," but by *Rot. Parl.* iii. 37, 50, where the petition of the convent of Westminster confutes its too eager modern apologist.

[4] *Chron. Angliae*, pp. 210-211.

[5] *Ib.* p. 211, which makes Lancaster responsible for holding parliament "in partibus tam remotis." Compare also Malvern, p. 398, who tells us that "certi domini . . ., timentes Londonienses propter factum nefandum in ecclesia Westmonasterii commissum, dissuaserunt domino regi suum parliamentum ea vice apud Westmonasterium celebrare."

[6] Not Oct. 25, as *Anon. Chron.* p. 124, says.

The resistance of the commons to a new grant was strengthened by their belief that the duke had taken the administration of the last grant out of the hands of the treasurers of war and devoted it to his own purposes. There was friction between the magnates and the commons, the former refusing to follow recent precedents by appointing a committee of lords to advise the latter. There was also trouble between Lancastrian magnates and the Londoners; but the city members showed a discretion which continued after parliament was over.

All these were trifles, compared with the rising tide of clerical opposition, excited some time earlier by the tolerance shown by the duke and the princess to Wycliffite heresies, and now carried into flood by the outrage in Westminster abbey. The prelates, captained by the archbishop of Canterbury, following Courtenay's lead, demanded satisfaction for the assault on holy church. The situation was made worse when doctors of dubious orthodoxy, including Wycliffe himself, were brought before parliament to prove the right of the state to violate sanctuary, and to suggest the dangers of clerical aggression during a minority.[1] So fierce did the contest grow, that the chroniclers regarded the Gloucester parliament as mainly memorable for the attack on the church and its triumph over the massed forces of plunderers, heretics, schismatics and renegades, who had formed an unholy alliance to despoil it. In the exalted mood produced by that victory, parliament recognised Urban VI. as the true pope, and drew up general measures against the English adherents of the schismatic pope at Avignon.

[1] "Et sur ce vendrent en parlement les ditz doctours en theologie, canon et civil, et les autres clercz de par le roi, et illoeqes devaunt nostre seignour le roi mesmes, illoeqes presentz les prelatz, seignours et toute la commune firent lours argumentz et preuves encontre les prelatz"; *Rot. Parl.* iii. 37. Compare also Malvern, p. 398, who blames "aliqui principes et domini . . . qui convenerunt in unum, associantes sibi aliquos de clero, quos viderunt faciliter velle in partem sinistram contra ecclesiam declinare." Wycliffe is especially mentioned as the chief of these. *Anon. Chron.* gives scattered and incoherent notices of the Gloucester parliament, but is definite as to Wycliffe's part in it. He was summoned by the king to appear, and went before the commons in the chapter house," par le abetment de monsire Symonde de Brureley, adonqes meastre del roy, et monsire Thomas Percy"; *ib.* p. 123. This relieves Lancaster from some of the responsibility of producing the arch-heretic in parliament. See Galbraith, p. 191, as to the anti-clerical "statutes camerales," passed without the knowledge of the bishops, "peers del parlement"; *ib.* p. 124. *Chron. Angliae*, pp. 211-212, speaks of little, save Lancaster's attack on the church.

The general dissatisfaction with the administration led to the renewed demand that the commons should be informed of the names of the chief ministers, councillors and governors of the king's person. For the first time there seemed a real wish for a change of government. Bishop Houghton quailed before the storm. His whole order was against him, and, rather than incur responsibility for attacks on ecclesiastical immunities, he resigned the chancery on October 29.[1] Sir Richard Scrope at once took his place. He, as steward of the household, had already been the mouthpiece of the government in dealing with parliament. This was a rebuff to the prelates, and a victory for John of Gaunt. But Scrope dealt so tactfully with the estates that he extracted from them a new grant, albeit small and inadequate. The year of office of the continual council was now expired, and Scrope, though refusing to allow parliament to appoint its successor, agreed that the names of the new councillors should be reported to it. Some names were mentioned, but before the council was filled up, an unexpected crisis brought about a sudden dissolution on November 16.[2]

As soon as the court got back to Westminster, desperate efforts were made to find funds. By November 26 the continual council was brought up to eight members, as prescribed by the parliament of 1377. In obedience to the terms of its institution, not a single councillor who had served from October 1377 and October 1378 was allowed to sit on the new body.[3] Room, however, was found for two of the councillors appointed in July 1377, but dismissed when parliamentary sanction was given

[1] *Foedera*, iv. 51.

[2] This was the date of the writs of expenses; *C.C.R., 1377–81*, pp. 220-222. The Gloucestershire members, who were nearest the place of meeting, received expenses for 28 days, which we may regard as the duration of the parliament. Parliament was summoned for Oct. 20, so that this period suggests that it continued in session up to Nov. 16. The Northumberland members had expenses for 44 days.

[3] Our authority for this is the chancellor's opening speech to the parliament of Easter, 1379: "Mais pur le sodein departement d'ycell parlement, il (le roi) n'y purroit assigner le nombre entier de ses ditz continuelx counseillers, si fist il apres assigner le remenant des ditz counseillers a Londres"; *Rot. Parl.* iii. 55. The date from which all salaries of councillors now ran was Nov. 26, 1378. They ceased on Dec. 2, 1379; *I.R.* 475/19-22. This may, therefore, be regarded as the time when the number of the council was completed, but we are nowhere told which councillors were chosen at Gloucester and which subsequently at Westminster. Too much faith need not be given to Scrope's official utterances,

to it in October. They were the earl of Arundel and Sir Roger Beauchamp. The six new men included several notable personalities. William of Wykeham replaced bishop Courtenay, while bishop Harewell of Bath, the sometime chancellor of the Black Prince, was successor to bishop Erghum. The removal of the latter upset the nice equipoise of earlier councils and gave the preponderance to the following of the Black Prince. There was no longer upon it a single whole-hearted Lancastrian. The new representative of the earls, William Ufford, earl of Suffolk, was the fellow-worker in war with the duke, but his popularity with all parties raised him above any suspicion of partisanship. Besides Beauchamp, there was a second banneret in Sir Robert Hales, provincial prior of the hospital of St. John of Jerusalem, who had done good service as admiral of the southern fleet. Of the two new knights, Sir Aubrey Vere, the old retainer of the Black Prince, had, as uncle and representative of the minor earl of Oxford, strong attachments to the court. So too had his colleague, Sir Robert Rous, a knight of the king's chamber, and for a time acting marshal.[1] The general impression is that the new council, though including a doughty constitutionalist in Wykeham, was also strong in the courtier element, both the followers of the Black Prince and the special retainers of the young king having their representatives. It is significant that for the second time no " baron " as such, was appointed, though both the bannerets were summoned to parliament.[2]

---

even when he had no special motive for deception. He impudently described to the parliament of 1380 the whole council as " les prelatz et autres seignours lors assignez par parlement d'estre du counseil " ; *Rot. Parl.* iii. 72. We only learn the names of the 1378-79 council from the entries of their wages in the *Issue Rolls*. See N. B. Lewis in *E.H.R.* xli. 250-251.

[1] *C.P.R., 1377–81*, p. 485. This was on Mar. 10, 1380. Rous had received 100 marks annual pension from Edward III., and on Jan. 27, 1378, was " retained by the king to abide with him " ; *C.C.R., 1377–81*, p. 49. He was called knight of the king's chamber on May 8, 1381 ; *ib.* p. 449 ; *Chron. Angliae*, p. 221, tells us that he was keeper of Cherbourg in 1378, and took prisoner Bertrand du Guesclin's brother, but was then recalled to England. Mr. N. B. Lewis tells me that he had close connection with the Fitzalan family, being a relation of Sir John Arundel by marriage and an executor of his will : *C.C.R., 1374–77*, p. 145 : *Test. Vet.* p. 105.

[2] The personnel of the three minority councils is so important that it is worth while stating it in a tabular form, along with the rate of wages, the total sum so received, and for the third council, the days of attendance. The table on p. 344 is based on the careful work of Mr. Lewis.

	First Council, July 17-Oct. 1377	Second Council, Oct. 1377-Oct. 30, 1378.	Third Council, Nov. 26, 1378-Dec. 3, 1379.
Bishops (at 26s. 8d. a day)	Courtenay of London Erghum of Salisbury	Courtenay of London (£200) Erghum of Salisbury (£333 : 6 : 8)* Appleby of Carlisle (£266 : 13 : 4)	Wykeham of Winchester 276 days (£368) Harewell of Bath 278 days (£370 : 13 : 4).
Earls (at 26s. 8d. a day)	Edmund of March Richard of Arundel (no payment recorded)	Edmund of March (£256) Hugh of Stafford (£133 : 6 : 8)	William of Suffolk 171 days (£228). Richard of Arundel 155 days (£206 : 13 : 4).
Barons (at £1 a day)	William Latimer (£40) John Cobham (£40)		
Bannerets (at 13s. 4d. a day)	Roger Beauchamp (£26 : 13 : 4) Richard Stafford	Henry Scrope (£133 : 6 : 8) Richard Stafford (£133 : 6 : 8)	Roger Beauchamp 277 days (£184 : 13 : 4). Robert Hales, prior of the Hospital 238 days (£158 : 13 : 4).
Bachelors (at 6s. 8d. a day)	John Knyvet (no payment recorded) Ralph Ferrers (no payment recorded) John Devereux Hugh Segrave	John Devereux (£50) Hugh Segrave (£133 : 6 : 8)	Aubrey Vere 113 days (£37 : 13 : 4). Robert Rous 80 days (£27).

* This is the sum of two entries in *I.R.*, but Mr. Lewis thinks £200, the later sum entered, means the total payment.

To all these councillors fixed sums were paid for each daily attendance, the earl or bishop receiving two marks a day, the banneret one mark, and the knight bachelor half a mark. During sessions of parliament no payment was made to councillors. We owe to the fortunate accident of the method of payment adopted, the fact that the issue rolls record the sums received by, and the number of attendances of, each member. It is from this source alone that the names of the third council have come down to us. Though described as "appointed by parliament," they were not so actually. Therefore, the roll of parliament contains no evidence of their existence.

The councillors took their business seriously. Sessions were held normally in Westminster, and must have been almost daily. The majority of members were fairly regular in their attendance, especially the bishops. In the year and a week during which the council held office, Harewell put in 278 and Wykeham 272 attendances. Of the laymen, Roger Beauchamp, with 277 days, alone stood on the same plane. The prior of Clerkenwell was a good fourth with 238 attendances. The earls were less regular. Suffolk's 171 days and Arundel's 155 suggest that even large subventions could not keep an earl permanently attendant at court. Curiously enough the worst attenders were the two courtier knights, Vere with 113, and Rous with only 80 days of attendance.

During the year in which this council was in power, the constitutional doctrine that the eight "continual councillors" were responsible "for ordering the war and all matters touching the estate of the realm," prevailed. This meant that the royal power was in the hands of a commission of eight. The ministers, Scrope the chancellor, Brantingham the treasurer, and Fordham the keeper of the privy seal, had authority to carry out the routine work of their offices, but were expected in all matters of importance to seek the direction of the council. The chief limitation to the power of the eight was that they had no responsibility for the custody of the king's person, and it looks as if there were rapidly growing up a court party of inconspicuous knights and clerks who really had the chief directive authority.

It was largely believed that John of Gaunt secretly controlled the council, with the chancellor as his chief agent. This view,

often accepted by modern writers, is hard to substantiate by definite evidence. That the reversal of the sentence of 1377 against Alice Perrers, demanded on technical grounds by William Windsor, now her avowed husband, was effected by their pardon on December 15, " with the assent of the magnates of the realm," [1] is often thought to have been due to Lancaster. But there is no clear proof that John, who had greedily accepted grants of Alice's property when she fell, was concerned with her interests. And in no matter affecting John of Gaunt can the testimony of the monk of St. Albans be accepted. The only question is whether this chronicler was a malicious liar, or greedily credulous of any story which pointed to the hidden hand of the duke. The facts suggest that Lancaster, so far as he possessed power, was incompetent rather than wicked, and that the administration, during the whole of 1379, showed neither union nor self-confidence. The weakness, already manifested at Gloucester, still remained. It was shown conspicuously in the council's refusal to accept responsibility, and its constant demand for the magnates or the estates to help it out of its difficulties.

The reality of these difficulties was soon felt. In the hope of fresh supplies a " great council of all the great lords of the realm, prelates and others " was summoned to meet on January 20, 1379, at Westminster. But the magnates excused themselves from coming on the ground of their own affairs, and because of their recent attendance at the Gloucester parliament. A slight postponement in date eased the situation, and on February 7 " nearly all the prelates as well abbots as others, dukes, earls, barons, bannerets and other wise men of the realm " [2] reluctantly

[1] *C.P.R., 1377–81*, p. 412. Compare *Rot. Parl.* iii. 40-41.

[2] *Rot. Parl.* iii. 55. Scrope told the Easter parliament that the January great council included, " touz les grantz seignours du roialme, prelatz et autres," and that to the February council came, " bien pres touz les prelatz, si bien abbes commes aultres, ducs, contes, barons, banerettes et autres sages du roialme." I have dealt with some of the bearings of this text already. See above, pp. 296, n. 1, and 336-338, n. 1. A point for further investigation is the political position of the banneret, who, according to Scrope, was normally summoned to a great council. Many bannerets were certainly summoned to parliament, though it still often happened that no summons went to their posterity. *Anon. Chron.* p. 79, says that the Good Parliament included "toutz les barones et baneretes de valew de la terre." There are some indications, worth working out in detail, that certain bannerets were almost in the position of modern " life peers," a fact the more noteworthy since " hereditary barons " were soon to appear on the scene. The way in which bannerets and bachelors appear as " orders " or " estates " is

gathered together at Westminster. The ministers laid before the great council the emptiness of the treasury. They recognised that no real remedy for this could be provided except by a full parliament. Still, they persuaded the assembled magnates to lend, of their own free will, sums sufficient to enable the king to carry on the war until the estates were again assembled.[1] Every magnate was assessed at a definite sum, and it was agreed that the towns, and individuals of substance, should be approached with a similar request, with the authority of the great council.[2] Parliament was to be summoned for the quinzaine of Easter, and any advances previously made were to be deducted from the subsidy voted by it.

Parliament assembled at Westminster on the appointed April 25, 1379, and sat till May 27. Chancellor Scrope apologised for the undue frequency of parliaments, and offered to present for its inspection the accounts of the treasurers of war. At the request of the commons a committee of magnates to "examine the estate of the king" was appointed. The inclusion in it of several of the members of the earlier councils of the reign suggests that no novelty of personnel was aimed at.[3] Moreover, the

interesting, the more so as the barons as a class slipped out of the last two "continual councils" of the minority. The truth seems to be that "baron" was so indefinite a word that there might well be good reason for not using it in a legal document. Banneret and knight were words of more precise connotation. The status of banneret involved knighthood, but a person not already a knight needed a more costly "apparatus" when he took knighthood "ad modum baneretti." This was the case even under Edward II. See *Enr. Ac.* (*W. and H.*) 3/2. *E.A.* 400/4 shows that a justice of the common bench received "ordinem militarem de domino rege ad modum baneretti," Whitsunday 1378. The roll quoted suggests that justices of the two benches were now knighted after the fashion of bannerets, as a matter of course.

[1] The persons who lent money and the sums lent are recorded on the patent roll; *Foedera*, iv. 58-59; *C.P.R.*, *1377–81*, pp. 635-638.

[2] *Rot. Parl.* iii. 55-56. The mayor and aldermen of London were summoned before the council, and agreed after consultation to make such a loan; *Cal. Letter Books*, H., pp. 119, 121. Already in January the city had borrowed large sums from individuals to recover the favour of the lords hostile to the city in the Gloucester parliament. "By this expenditure and by the diligence of certain good folk of the city a good accord was effected between the lords of the realm and the city"; *ib.* pp. 123-126. Was John Northampton, a city representative at Gloucester, the intermediary?

[3] Of the ten members, three were bishops, Sudbury, Courtenay and Brinton of Rochester; three earls, namely March, Warwick and Stafford; one baron, Latimer; and three bannerets, Guy Brian, John Cobham and Roger Beauchamp of Bletsoe. Stubbs and others make the number nine, translating "Monsieur Guy de Brian ou Monsieur Johan de Cobham" in *Rot. Parl.* iii. 57, as "or," but

mission of the committee was simply one of inquiry, though the inquiry was of a most comprehensive kind. Besides the duty of ascertaining whether the revenue due had been received by the war treasurers, it was to find out the customary wages of ministers of all ranks in the early days of Edward III., and how far annuities, granted by the late king and the Black Prince, had been paid. It was also to examine the unliquidated estate of Edward III., and ascertain how much of it was available for the king's service. The committee was also instructed to " view and examine " the expenses of the royal household. With this object it was ordered to call before it the officers of the household, to examine the income from wardships and escheats, the revenues of Calais, Bordeaux, the special war revenues, the subsidy on cloth, the possessions of schismatic cardinals, the " moneys called Rome-pennies," and every other source of income. The lords assigned had power to enter any office to confer with ministers, and to examine all rolls and accounts and to compel their production. Finally, they were to report to king and council and advise them as to the future. The meekness with which the request for this investigation was granted, shows the straits to which the government was reduced.

In return for these concessions the lords and commons voted a liberal supply in the form of a poll tax. The subsidies voted at Gloucester were, therefore, cancelled. As the former poll tax of 1377 of a groat a head on all ranks had been very unpopular, the poll tax of 1379 was graduated in a way that would have won the hearts of modern radical reformers.[1] The groat still

it is quite as likely to be " with " (ov). Of these, Courtenay, March, Latimer, Cobham and Beauchamp had been acting on the council of July 1377. Latimer, Cobham and Beauchamp had been excluded by the parliament of 1377 from its continual council to which the earl of Stafford had been added. Latimer's reappearance may be significant, but he was almost the only thoroughgoing representative of the " court party " on the list. The three bannerets, each described as " Monsieur," were habitually summoned to parliament, though their heirs were not. See above, p. 296, n. 1-2, and p. 346. See also later, p. 380, n. 2. Yet in 1377 Cobham had been ranked with barons, not with bannerets. But " barons " were not necessarily hereditary members of parliament. The recent treatment of the " Cobham barony " as an hereditary " barony in fee " (" created " in 1313, " called out of abeyance " in 1916) is one of the worst historical blunders of the ridiculous modern peerage law; *Complete Peerage*, iii. 351, new edition.

[1] *Anon. Chron.* pp. 127-129, gives very elaborate particulars as to the amounts assessed to various ranks of the community, both clerical and lay. It calls the poll tax " une subside si mervaillous qe tiel ne fuist unqes veu ne oie."

remained the minimum to be exacted from the humblest class, "saving only very beggars," but those able to pay more were assessed according to their rank, one end of the scale being occupied by the dukes of Lancaster and Brittany, who paid ten marks apiece, and by the earls, each of whom paid £4. The high assessment of lawyers and officials is noteworthy. The two chief justices and the chief baron of the exchequer each paid £5, more than an earl. Every sergeant of laws was assessed at £2, like a baron or banneret. The trading classes came off more lightly. Though the mayor of London was assessed as an earl, and the aldermen as barons, "great merchants" were only to contribute the twenty shillings demanded of a knight bachelor, and "sufficient merchants," 13s. 4d. The clerical assessment was apportioned on similar lines, ranging from the ten marks of an archbishop to the fourpence of the simple clerk, monk or nun.[1] All doubtful cases were to be assessed by the collectors, and the whole tax was to be levied before August 1.

The petitions of the parliament show that the lawlessness, which the Gloucester parliament had lamented, still went on, and that the household courts were becoming increasingly burdensome. They also showed the growing conviction of the commons that the administration had been organised on wrong lines. Most significant in this relation was the petition that the treasurers of war should be discharged from their offices, and that the treasurer of England and the chamberlains of the exchequer should receive all war grants after the ancient fashion. This demand was willingly accepted by the crown.[2] Already there was a feeling that the special methods, adopted by reason of the king's tender age, were a mistake, and that the realm was best administered in the ordinary fashion. It was a warning to the newly constituted "continual council" that it would have to justify its existence. Another warning came when Cobham was appointed "to remain in the household for the safeguard of the king's person." This care apparently had previously fallen to Burley, Richard's "master" and sub-chamberlain. His supersession was another proof of the declining influence of John of Gaunt.[3]

[1] Mendicants and recluse nuns of the order of Sempringham were alone excepted.

[2] *Rot. Parl.* iii. 66.

[3] *I.R.* 475/8, recording payment of wages to John Cobham between June 6, 1379, and Feb. 18, 1380: "de assensu auunculorum domini regis,

Things went as badly in 1380 as they had gone in 1379. Bad poll tax assessments and fraudulent collection brought less than half the expected revenue to the exchequer. The result was that the projected expedition to Brittany was weakened in numbers, and delayed in starting until the winter was setting in. It never reached the Breton shores, and many of the ships were driven by storms out of their course on to the Irish coast. The commander, Sir John Arundel, brother of the earl and the bishop, was among the victims of shipwreck.

Stringency of finance compelled the assembly of another parliament, which sat at Westminster from January 16 to March 3, 1380. To it the chancellor recited a third dismal tale of penury and failure. This time the great officers and the continual council accepted responsibility. The money granted was all spent and nothing had resulted from it. The king was so poor that he had not even been able to pay back the loans made by the magnates and towns in February 1379. Let the commons aid him, if they would save themselves and the realm.

This cry of despair showed to the commons that the game was in their own hands. Led by their Speaker, Sir John Gildesburgh, member for Essex, they demanded a radical change of government as the only remedy for maladministration. They insisted that the continual council should be discharged, and that no such body should henceforth be appointed. The king was now of good discretion and fair stature. His age was almost that of his noble grandfather at the time of his coronation, and Edward III. had had no other councillors than his five principal officers. The commons therefore prayed that parliament should elect from the most competent persons in the realm the five principal officers of the state, namely, the chancellor, treasurer, keeper of the privy seal, chief chamberlain and steward of the king's household. These ministers were not to be removed from office until the next parliament, save for sickness or such necessary reason.[1]

---

prelatorum et aliorum magnatum de consilio regis assignato, ordinato, et electo ad moram trahendam in hospicio domini regis pro salua tutela corporis ipsius domini regis." He was apparently discharged from this office during the next meeting of parliament.

[1] The text summarises *Rot. Parl.* iii. 71-73. *Chron. Angliae*, p. 255, thus describes the misdeeds of the last year of the continual councillors: "qui omnes

Gildesburgh's second request was equally daring. The king was to commission certain prelates, lords and other "wise and sufficient persons," to make a thorough investigation of the administration. They were to examine "all the courts and places of the king, as well in his household as elsewhere, the estate of his household, the expenses and receipts of his ministers on both sides of the sea, since the coronation, so that if any defect were found, it might on their certificate be corrected, and the king might thereafter rule honourably and be able to support from his own resources the expense of the defence of the realm, as well as the other expenses of the administration." [1]

Both these requests were accepted, and immediate steps were taken for their execution. On the day before the estates broke up, letters patent, approved in parliament, appointed the promised commission, giving it even more comprehensive powers than the petition had suggested, though limiting its sphere to reporting to king and council the results of its inquiry.[2] In 1379 there had been a similar commission of inquiry, but it had been a committee of magnates only, and apparently had never reported. The new commission was to be on a broader basis. The patent was warranted "by king and council in full parliament," and the fifteen persons appointed had already been approved in parliament.[3]

It was a strictly parliamentary commission. Fifteen of its sixteen members were members of the parliament which had

---

per annum magnam pecuniae summam de regis aerario exhauserunt et nullum aut modicum fructum protulerunt, unde jam, ut diximus, communitas unum petiit, amotis ceteris, qui omnia et singula satis expleret quae omnes antea perfecerunt." This resulted in Thomas Beauchamp, earl of Warwick, being elected "ut jugiter cum rege moram traheret et de thesauro regio quandam summam pecuniae pro stipendio vel labore suo, ut decuit, perciperet annuatim." Many writers state on this authority that Warwick now became "governor" of the king. I can find no record evidence either of his acting or of his receiving any special salary in such an office. The St. Albans chronicler clearly misunderstood the situation. The commons' remedy was not a regent, but the opposite, namely a responsible ministry. The nearest approach to such an office as that given to Warwick is that already referred to, in June 1379, when John Cobham was given a salary for remaining in the household for safeguarding the king's person; see above, p. 349, n. 3.

[1] *Rot. Parl.* iii. 73.

[2] *Ib.* pp. 73-74; *Foedera*, iv. 84-85, dates the patent on May 2, but the right date is Mar. 2; *C.P.R., 1377–81*, p. 459.

[3] *Rot. Parl.* iii. 73: "as persones compris en mesme la commission qi furent a ce esluz en parlement." This list omits archbishop Neville. Compare *Foedera*, iv. 84.

asked for it, and the other was so prominent a politician as Sir William Walworth. It was divided after the fashion of the time into "grades" or "estates," four bishops, three earls, three bannerets, three knights and three citizens. The four bishops were Alexander Neville of York, Wykeham of Winchester, Gilbert of Hereford and Brinton of Rochester. The three earls were Arundel, Warwick and Stafford. The elimination of the baron had recent precedents, but the three bannerets had all been summoned to that parliament, and one of them, Latimer, had figured in 1379 as a baron, while the other two were Guy Brian and John Montague. The inclusion of the commons, both knights and citizens, was a novelty.[1] The grade of knights was limited to three knights of the shire, Ralph Hastings for Yorkshire, Edward Dallingridge for Sussex and the Speaker, John Gildesburgh, for Essex. With the exception of Walworth, the civic members were chosen from parliament, John Philpot being member for London and Thomas Graa for York. Herein was a real advance from the Good Parliament. The commons were no longer content to follow the lords. With their Speaker at their head, they occupied a third part of the commission.

It was curious that a commission established to probe the abuses of the minority should be largely composed of active participators in the administration of those years. Each of the three "continual councils" had its representative in Latimer, Stafford and the bishop of Winchester. Both the treasurers of war, Philpot and Walworth, were appointed to investigate the system which they had administered. As usual, there were representatives of the various parties, save that, almost as usual, no room was found for any friend of John of Gaunt. Meticulous inquiry into the constitution of the commission is unprofitable, for there is no record that it ever made a report. In result it was as ineffective as the similar commission of 1379.

The demand for the appointment of the five chief officers of the crown in parliament resulted at once in a change in the

[1] For the problem of borough representation at this time, see Miss M. M'Kisack's paper on "Borough Representation under Richard II." in *E.H.R.* xxxix. 511-525. It is to this case that she refers when she says, "with one exception we find no burgesses on a general parliamentary committee"; *ib.* p. 516. She is in error on p. 524 in stating that Philpot was not a member of parliament at that date. We know the personnel of so few committees that it is not safe to generalise about them.

chancery. Sir Richard Scrope had specially identified himself with the prevailing system, and his suave generalities and constant concealment or perversion of the truth, as regards the state of the finances, made him an impossible head to the reformed government. Accordingly, on January 28, he surrendered the great seal to the little king in person. On January 30, archbishop Sudbury received its custody.[1] It was a triumph for the clerical party, though the stricter precisions of orthodoxy agreed with the Wycliffites that it was unbecoming that the primate of all England should hold secular office under the crown.[2]

Here the ministerial changes stopped. Brantingham, already three years in office, remained at the treasury for another year, perhaps because he represented, even more than Sudbury, the point of view of the constitutionalist party in parliament. Fordham again, keeper of the privy seal since Richard's accession, continued in office for nearly two years longer. It was the same with the two lay officers of the household, whom parliament now chose to put on the same footing as the three ancient officers of state. Hugh Segrave still remained steward, and William Beauchamp the acting "chief chamberlain," Robert, earl of Oxford, being still a minor. Thus the only result of the parliamentary demand for the appointment of ministers was the change in the chancery. A petition of the commons, apparently later than the original demand of Gildesburgh, suggests that the knights and burgesses were so pleased with the new chancellor, that they not only allowed the other ministers to remain in office, but asked the king that they should not be removed till the next parliament. The commons also requested the king to

[1] *Foedera*, iv. 75. Compare Malvern, p. 402, "per invidiam aliquorum amotus." Malvern wrongly states that Robert Hales was at this time made treasurer, but his appointment really took place a year later, on Feb. 1, 1381; *C.P.R., 1377–81*, p. 589.

[2] *Chron. Angliae*, p. 255: "contra gradum suae dignitatis, ut plurimi conclamabant, illi officio militaturus accessit; sed si ipse illud procuraverit aut sponte susceperit novit Deus." The last remark is a characteristic exhibition of St. Albans malevolence. Malvern, p. 402, says bluntly, "officium cancellarii super se assumpsit." *Cont. Eul. Hist.* iii. 350, says Sudbury took the office, "volens de officio cancellarii domum suum tenere et proventus archiepiscopatus in aedificatione Cantuariae expendere, sed non perficit opus suum." It is true that Sudbury had begun in 1378 the erection of the perpendicular nave of his cathedral, and was making great efforts to obtain funds for the purpose. Yet it is difficult to believe him foolish enough to have hoped to maintain his state on his gains as chancellor.

put no further burdens on the people until that body had assembled, and that there should be no parliament before Michaelmas 1381.[1]

The commission of inquiry, from which so much had been hoped, was not even allowed to meet.[2] The political history of 1380 almost repeated that of 1379. The subsidy was adequate to equip a respectable army, but Thomas of Woodstock, the king's uncle, led it a weary journey through the heart of France, and its resources were exhausted before it came into touch with the Bretons, for whose assistance it was dispatched. In short, the new departure proved no new departure at all. The expedients attempted were a mere re-shuffling of the old pack of cards. There were no new parties or principles, and the one remedy likely to end the confusion, the strong rule of a competent person, was the last thing that either the magnates or the commons desired. The money granted was soon spent, and, regardless of the express wish of the last parliament, the estates were again convoked for November.

The second parliament of 1380 sat between November 5 and December 6 at Northampton. The place chosen was unpopular with the Londoners, who lost trade by it, and attributed its choice to the malevolence of John of Gaunt, regardless of the fact that John was busy on the Scottish march. Northampton was also disliked because it was too small to furnish sufficient lodging, or even enough fuel to keep the members warm. It is unlikely, too, that the small Cluniac priory of St. Andrew afforded the good accommodation for the estates that they had had at St. Peter's, Gloucester. Moreover, widespread floods made the roads impassable. The king had difficulty in making his way to his quarters at the royal manor of Moulton. For all these reasons all business was delayed until November 8, and even then there were so many magnates with Lancaster on the Scottish march and with Buckingham in Brittany, that the attendance of the lords was scanty. The opening speech of the chancellor was as

[1] *Rot. Parl.* iii. 74: "en priant a nostre seignour le roi qe nul parlement soit tenuz . . . contre cy et le dit feste de seint Michel proschein venant en un an." *Chron. Angliae*, p. 257, emphasises the point: "adjecta conditione quod ab illo tempore . . . usque ad festum sancti Michaelis, anno revoluto, aliud non fieret parliamentum. Sed conditio ista non servabatur."

[2] The petition of the next parliament of Nov.-Dec. 1380 proves this. This only demanded its assembly for Jan. 1381; *Rot. Parl.* iii. 93.

discouraging as the earlier orations of Sir Richard Scrope. The king had spent all the last grant and much of "his own" on the army of Buckingham, and had also to maintain the French garrisons, guard the sea and the coasts, and carry on the wars in Scotland, Gascony and Ireland. He had pledged his jewels, and they would be lost unless speedily redeemed. More money was, therefore, immediately necessary.

The commons again chose Gildesburgh as Speaker. It is creditable to his leadership and the moderation of the members that they did not dispute the king's needs. They asked for precise details, and were told that the king must have £160,000. After long deliberation with the lords, it was agreed that a poll tax of three groats on all men and women over fifteen was the best way to secure a supply. Even this tax only amounted to two-thirds of the "outrageous" sum required,[1] but the clergy were asked to contribute the rest. No such details as those drawn up in 1379, as to the incidence of the tax, were provided, but it was vaguely laid down that the wealthy should help the weak, provided that the gross sum averaged out at a shilling a head for the whole taxable population of each unit of collection. The highest sum demanded from a man and his wife was twenty shillings, and in districts where all were poor the obligation to pay a shilling a head remained. Great care was taken to include among those taxed all labourers, servants, officials and members of great men's households. The commons strongly insisted on the clergy taking a full share of the burden, and that order did not gainsay them. But it is clear that the commons were responsible for a scheme of taxation which bore hardly on the poor and let off the rich lightly.[2]

The petitions show a novel confidence in the government. Particularly noteworthy is the renewal of the request of the previous parliament that the "five principal officers of state,

[1] *Rot. Parl.* iii. 89: "lour semble qe la somme de eulx ore demandez si est moelt outrageouse et oultrement importable a eux."

[2] The clerical grant was even more unfairly apportioned. There were only two grades, whose members paid 6s. 8d. and 1s. respectively. But the first grade ranged from archbishops to priests, nuns, proctors and notaries, while the second grade was limited to deacons and others in lower orders wearing the clerical habit. See *C.F.R.* ix. 223-224, 252; *Anon. Chron.* pp. 132-133, makes an intermediate class paying 3s. 4d., and including each monk, canon and chaplain.

now in office, shall remain in power without disturbance until the assembly of the next parliament, unless special fault be found with them, as it is to be hoped will not be the case." [1] Yet there were still grounds for complaint. One was that the commission of inquiry, appointed by the previous parliament, had not yet been set to work. Accordingly, the commons petitioned that it should begin its investigations not later than January 20, 1381, and that its members should receive fitting wages for their expenses. Moreover, those commissioners who were members of the present parliament were charged to proceed at that date to their work.[2] This harmony between the parliament and the administration is the more remarkable since it was the poll tax voted at Northampton which led to the great cataclysm of the Peasants' Revolt of 1381. This famous rebellion raised issues which reduced to insignificance the petty administrative problems, and the weary complaints of misgovernment which fill up the domestic annals of the first period of the reign.

The administration which the parliament of Northampton wished to keep in office, underwent some interesting changes before the Peasants' Rising began in May 1381. Of the five "principal officers" three still remained, Sudbury, chancellor, Fordham, keeper of the privy seal, and Hugh Segrave, steward of the household. But the acting chief-chamberlain, William Beauchamp, gave place to Aubrey Vere, apparently early in December 1380, certainly before January 18, 1381.[3] Moreover, on February 1, 1381, Brantingham was replaced as treasurer by Sir Robert Hales, prior of the Hospital of St. John.[4] The

[1] *Rot. Parl.* iii. 96: "si defaut especial ne soit pas trouvez en aucun de eux." The five officers in Nov.-Dec. 1380 were the same as in Jan. See above, p. 353.

[2] *Ib.* iii. 93: "Et qe les seignurs et autres nomez en la dite commission, a ore esteantz en ce present parlement, soient chargez d'estre sur la dite serche a les octaves (de seint Hiller) suisditz." The answer was, "Il plest au roi." Of the three knights of the commons originally appointed, two, namely Sir Ralph Hastings and Sir J. Philpot, were no longer members of parliament. There is no record of the members for York city, so we cannot be sure whether Graa still sat. But apparently all remained on the commission.

[3] See iv. 339-340.

[4] *C.P.R., 1377–81*, p. 589. A considerable loan to the king was so generally expected from high officers that Hales' loan, before Apr. 27, of 1000 marks to be repaid after midsummer, cannot be regarded as a special consideration for his office; *ib.* p. 617. In 1370 Hales had been one of the attorneys of John Pavely, his predecessor as prior of the Hospital (*C.P.R., 1370–74*, pp. 4, 8), and was

appointment of Vere prepared the way for the active assumption of the hereditary office by his nephew Robert, now approaching his majority and already the inseparable comrade of the king. Other changes were made in the two financial departments which may be correlated with the appointment of these two new ministers. William Pakington, since 1377 keeper of the wardrobe, was, on January 6, 1381, also appointed chancellor of the exchequer,[1] a post involving the control of all writs emanating from that office.[2] On December 6, 1380, Sir Robert Pleasington, a Lancashire knight, who was John of Gaunt's chief baron in the Lancaster exchequer as well as his attorney in the exchequer at Westminster, was at a bound promoted to be chief baron.[3]

himself in office before July 12, 1372; *ib.* p. 188. On Nov. 24, 1376, he was constituted admiral of the western fleet; *Foedera*, iii. 1065. He also held that office under Richard II. (*ib.* iv. 15), though acting by deputy (*ib.* 19), and superseded on Sept. 10, 1378; *ib.* p. 49. See above, pp. 344-345, for his assiduity as a member of the last continual council.

[1] *C.P.R., 1377–81*, p. 388. The authorising warrant was a writ of privy seal, but the only surviving relevant writ is dated Jan. 12; *C.W.* f. 1521. On that date a further patent gave Pakington the chancellorship for life; *C.P.R., 1377–81*, p. 599. He was not admitted until Jan. 14; *M.R.K.R.* 157, breu. dir. bar. Hil. t., m.l. Pakington apparently kept his office for the allotted term, for it was only after his death that his successor, John Nottingham, was appointed on July 26, 1390, during good behaviour; *C.P.R., 1388–92*, p. 295.

[2] An alternative description for the chancellor of the exchequer, "chancellor of the green wax," the official exchequer colour, brings his secretarial functions out clearly. The phrase is found in the thirteenth century. Mat. Paris, *C.M.* v. 720, described an early chancellor of the exchequer as "thesaurarius ad scaccarium ubi consignantur breuia de viridi cera." It still survived in Ireland in the reign of Richard II. See *C.P.R., 1388–92*, p. 49, appointment "to the office of chancellor of the green wax in Ireland," and *ib.* p. 387, appointment as "chancellor of the green wax of the exchequer in Ireland."

[3] *C.P.R., 1377–81*, p. 563. Pleasington, not far from Blackburn, was within John of Gaunt's sphere of influence. In 1375 the duke had appointed Robert, not yet a knight, farmer for twenty years of Staincliffe wapentake, extending over the greater part of Craven (*John of Gaunt's Register*, ii. 290-291), and from Michaelmas, 1374, Pleasington had received £10 a year from the clerk of the duke's "great wardrobe" as "nostre attourne en l'escheker"; *ib.* ii. 300. Before 1380 he was steward of John's lands in Lancashire, one of his justices of session, and "chief baron of our exchequer of Lancaster"; *Duchy of Lancaster Miscel. Books*, xiv. ff. 31, 38, 39, 51, 54, 58. His only royal commissions were as justice of the peace in the East and West Ridings. Normally the chief baron was promoted from the barons. The putting of Pleasington into the first place at once is unusual, though not unprecedented. For two years longer Pleasington retained his Lancashire offices. In 1381 he lent duke John 100 marks in his great need; *ib.* f. 59. On Dec. 8, 1382, he was relieved by the duke of his Lancashire offices at his own urgent request; *ib.* f. 66. We shall see later that he transferred his allegiance from Lancaster to Thomas of Woodstock. It is another instance of a divided service to the crown and a baronial master.

To these must be added the new appointments for the two chamberlains of the exchequer, to be held with their existing posts, John Bacon being made clerk or receiver of the chamber, and John Hermesthorp keeper of the privy wardrobe.[1]

We are left to guess at the significance of these new appointments in relation to the collection of the poll tax. It may be relevant that the change in the treasurership followed on the commons' demand that the committee of inquiry should proceed to business. More important perhaps is the illustration they afford of two tendencies which were becoming increasingly marked. Of some administrative interest is the trend towards collaboration of household and ministerial offices involved in the doubling of exchequer with wardrobe or chamber posts by the same official. As the separation of departments became clearer, the unity of the king's service was more and more insisted upon as the corrective to excessive departmentalism.

Greater political interest lies in the evidence now afforded of a tentative recrudescence of household control, which became increasingly pronounced during Richard's adolescence. Therefore, peculiar emphasis may be attached to the retirement of an old constitutionalist like Brantingham, though it is unlikely that this was the result of any "special fault" on his part. But we may assume that the prior of Clerkenwell was more acceptable to the court party than Brantingham, and that that fact made it easy for household offices to be dovetailed with responsible exchequer posts. Such changes enabled several offices of the household to take a prominent part in the business connected with the poll tax.[2] We shall see elsewhere that the chamber, or rather its knights were becoming more active,[3] and that already since 1379 Richard II. had had an official "secretary," who soon made a new position for the signet as a chamber or prerogative seal.[4] Whether Hales were a chief promoter of these changes, or merely acquiescent, he soon proved their victim. Though most of the mistakes made in the execution of the poll

[1] See later, iv. 334-335, 461-462.

[2] See later, pp. 367-369 and 374-375, for the part played by minor court officers in the collection of the tax.

[3] See iv. 341, 343.

[4] See above, p. 330, nn. 5 and 6, which speak of Mr. Robert Braybrook as "secretarius noster" from 1379. In 1384 the king's clerk, Thomas Walton, was "secretary of the king's mother"; *C.P.R., 1381–85*, p. 481.

tax were made before he received office, his nominal responsibility for them led to his violent end a few months later.

Despite the experience gained by the poll taxes of 1377 and 1379, the assessment and collection of the 1380–81 tax of three groats a head involved much organised effort. The commons of Northampton had done no more than lay down general principles. They required that sworn collectors and controllers should be appointed, none of whom were to be members of parliament,[1] and that two-thirds of the tax should be collected by January 27, and the rest by Whitsuntide 1381. As Buckingham's expedition could not start until supplies for it were provided, there was obvious need of haste. Accordingly, on December 7, 1380, the day after the tax was voted, the necessary commissions for its collection were issued. Certain important cities, liberties and boroughs were treated as units in themselves. For each of these areas a committee was appointed to assess the new tax, and to levy, collect and pay it to the exchequer by the dates fixed by parliament. The assessors and collectors were authorised to find out the number, names, rank and estate of all persons liable to the tax. In all their work they were to be assisted by the constable and two men of every township, and the mayor, bailiffs, and two or more men of each city and borough. There were also appointed, at the same time, smaller groups for the same areas, to "survey and control" the assessments. Indentures were to be made, containing the information thereby amassed, and the amount at which each person was assessed. To these the assessors and collectors, the surveyors and controllers and the local assistants were to be parties.[2]

[1] *Rot. Parl.* iii. 90: "Issent toutes voies qe nul des chivalers, citeins et burgeis, venuz a ce present parlement, ne soit fait collectour ne controlleur de les sommes auauntdites." This was clearly to avoid suspicion of profit to members of parliament.

[2] *C.F.R.* ix. pp. 224-234. John of Gaunt was ordered to appoint assessors and collectors, and surveyors and controllers for the duchy of Lancaster; *ib.* p. 234. The archbishop of Canterbury on Dec. 20, 1380, and the archbishop of York on Mar. 8, 1381, received similar instructions concerning the collection of the clerical poll tax; *ib.* pp. 223-224, 252. On Dec. 20, 1380, following customary procedure, the exchequer issued writs to all the sheriffs to distrain the collectors and controllers to present to the exchequer for audit, on Feb. 3, 1381, their accounts for two-thirds of the tax; *M.R.K.R.* 157, breu. rctorn. Mich. t. m. 13. Many of the sheriffs were, in February 1381, fined for making false returns; *ib.* communia recorda, Hil. t. *passim*. The London writs, appointing six collectors and two controllers for that city, were issued on Dec. 7, along with

These officers raised what money they could, as soon as they could, but the sums which they paid to the exchequer were so small that further measures had to be taken. On January 2, 1381, another complication was added in the institution of commissions of inquiry by which the sheriffs and escheators of the shires, and the mayors and bailiffs of other taxable units, or their deputies, were instructed to inquire into the number, names, abode, and class of all lay persons over fifteen years of age, with power to imprison the disobedient. They were to report the results of this inquiry to the exchequer, by the quinzaine of Easter, 1381, "without waiting for, or in any way communicating with, the collectors or the controllers of the subsidy." Failure to carry out the mandate involved a fine of £100.[1]

Yet the need of ready money was more urgent than the necessity of constraining all who ought to pay to fulfil their obligations. This consideration led to the despatch, in February 1381, of orders to the collectors of both lay and clerical poll tax to levy the whole at once, and to render final account to the exchequer by April 22, instead of at Whitsuntide and Midsummer, 1381.[2] The reasons given were that the poll tax was yielding much less than had been hoped; that more of the tax than was provided by the two-thirds, paid in by the quinzaine of Hilary,

---

the writs to other cities and towns, and oaths were administered to the persons selected on Dec. 18, 1380; *Letter Book*, H. pp. 157-158. For details of how the machinery worked in Suffolk, see E. Powell, *Rising in East Anglia in 1381*. In that county there were set up (*a*) a county commission, headed by William Tendring, knight, of "assessores et contrarotulatores"; (*b*) a similar commission of "collectores," headed by William Rosebrook, knight; and (*c*) a group of "constabularii et sub-collectores" in each township.

[1] *C.P.R., 1377–81*, pp. 627-628, where the anachronistic "excepting Durham and Monmouth" is of course unwarranted by *Patent Roll*, 309/33d. These mandates, unlike the previous commissions, were enrolled on the patent roll. Most of the writs were issued on Jan. 2, 1381, but that to the bailiffs of Canterbury was issued on Jan. 12. In the three ridings of Yorkshire, a knight and another commissioner were associated with the sheriff and escheator. In London, in compliance with the Jan. 2 writs, commissions were issued on Jan. 8, 1381, to the aldermen of each ward, who were empowered not only to inquire into the number of inhabitants of the ward, but to levy three groats from each of them by Jan. 13—that is, within five days; *Letter Book* H, p. 158. On Mar. 13 both the new and the old aldermen and the two assessors were instructed to make a house-to-house inquiry as to whether all who ought to have paid had paid; *ib.* p. 103. The accounts were only rendered in April (*ib.* p. 164) when £1019:17:0 from 20,397 persons were reported, and also some grave cases of non-payment.

[2] *M.R.K.R.* 157, breu. retorn. Hil. t. mm. 18-19, 25.

was wanted immediately to prosecute the Breton campaign, and that the king had learnt that the collectors in several counties had already levied and collected the other third of the tax, so that, from all districts, it ought to be paid in and accounted for as soon as possible. The writs to the collectors, and the writs to the sheriffs to distrain the collectors and controllers to account, were issued by the exchequer on February 20, 1381,[1] and were witnessed by Robert Pleasington, chief baron.[2] The warrants for their issue were given as "a certain roll now in the care of the king's remembrancer, delivered to the exchequer by Robert Muskham, clerk of chancery," a writ of privy seal, enrolled in the *communia* of the memoranda roll of Hilary term, 4 Richard II., and the orders of the barons of the exchequer. No trace of the "roll," or indication of its contents, has been found so far, but the writs of privy seal are enrolled in the king's remembrancer's memoranda roll, though the one relating to the lay poll tax is dated February 22, and the other relating to the clerical poll tax is dated February 26, not February 20 or earlier, as we should expect.[3] This fact would seem to have some significance, for if the dating of exchequer and privy seal writs be correct, the privy seals did not initiate the new move, but merely endorsed the *fait accompli*, and the exchequer, in the persons of the barons, was responsible for the step taken, presumably after examination of the "roll" received from chancery.[4]

Such elaborate precautions suggest no lack of administrative machinery, but the whole affair was so hastily undertaken that all sorts of blunders were made. Many of the collectors and controllers had soon to be released from duty, being either too old and infirm, or too ill, or too insufficiently qualified, or

[1] *Ib.* mm. 20-22.

[2] He was appointed by patent at Northampton on Dec. 6, 1380; *M.R.K.R.* 157, breu. dir. bar. Hil. t. m. 1. See above, p. 357.

[3] *M.R.K.R.* 157, breu. dir. bar. Hil. t. mm. 25, 26. Powell (p. 5, n. 1) refers to the writ of Feb. 22 and to *Enrolled Accounts*, *L.T.R.* (*Subs.*) No. 13, to show how the town of Leicester was one of the districts which complied with the regulation.

[4] Much detail concerning the collection of the poll tax, the audit of its accounts and proceedings consequent on the sheriffs' false returns to the writs of distraint, are to be found in the memoranda rolls for 1380–81 (*K.R.* 157; *L.T.R.* 153), especially among breu. dir. bar., com. rec., breu. retorn., and status et visus compotorum. The receipt rolls for Easter term, 1381, furnish some data about the payment of the poll tax to the exchequer, but none of the Michaelmas term triplicates for 1380–81 have survived, so only part of the story can be extracted from that source.

too much engaged on other tasks. Yet their colleagues seem to have stayed all action until the commissions were complete, for other writs filled up the gaps thus created in the boards, and ordered those competent to act to proceed at once to their business.[1]

The difficulty of the situation was increased by the January commissions of inquiry, entrusted to the sheriffs and escheators, many of whom were too busy to add to their proper duties a task which practically amounted to taking a census of the numbers and resources of the taxable population. With these overburdened officials other persons were later associated,[2] but they seem to have made little headway towards ascertaining the required statistics. If they did, the results did not come up to expectations, because new commissions of inspectors were soon devised for a number of the counties. These still had the sheriffs at their head, but were larger and received more comprehensive terms of reference. Letters of appointment were issued on March 16, 1381, for Norfolk, Suffolk, Cambridge, Huntingdon, Essex, Hertford, Somerset, Northampton and Gloucester; on May 3 for Nottingham and Derby, Devon, Cornwall, Kent and the West Riding of Yorkshire; and on May 20 for the city of Canterbury. The order was not, therefore, universal, and it is significant that the districts for which inspectors were appointed, included almost all those which subsequently revolted.

The inspectoral commission included, besides the sheriffs, a clerk, a king's sergeant-at-arms, and from three to seven knights and other notables of the shire, of whom, in a few cases,

[1] *C.C.R., 1377–81*, pp. 425-427, 429, 436, 501, 522; *C.F.R.* ix. 235 *et seq.*; *M.R.K.R.* 157, breu. dir. bar. and com. rec., passim. The Cinque Ports were, on Feb. 8, 1381, allowed respite until Whitsuntide from all payment of the tax, by virtue of their peculiar privileges. Later, on May 4, 1381, they were exempted from payment altogether; *C.C.R., 1377–81*, pp. 53-54; *M.R.K.R.* 157, breu. dir. bar. Hil. t. (m. 16), Easter t. (m. 6). The town of Penrith was respited until Michaelmas 1381, because of its poverty; *C.C.R., 1377–81*, pp. 503, 525.

[2] *C.P.R., 1377–81*, pp. 630, 633. The last commission for York city, dated Mar. 20, 1381, was "vacated by surrender and nothing was done therein." Powell (*u.s.* p. 121) prints illuminating estimates of the comparative population in 1377 and 1381. According to the collectors' accounts, the lay taxable population over fifteen years of age had declined during these four years from 1,355,201 to 896,451. For London details see *Letter Book* H. p. 164, and Oman, *The Great Revolt of 1381*, appendix ii. p. 164.

the escheator was one. The sergeant-at-arms was the household contribution to the commission, and the doings of Legg in Kent [1] suggest that the sergeant-at-arms was the most active member. Curiously enough, the one account for wages which has survived is that of Thomas Sayvill,[2] the sergeant-at-arms on the commission for Nottingham and Derby, who was at work from April 30 to August 4, 1381, though the patent of his appointment is dated only May 3. The composition of the commission for Canterbury was naturally a little different, consisting of three members only, all of whom would seem to be private persons.[3]

The duties of the new commissioners were first, to survey and inspect all the indentures made between the collectors, and the constables and other persons of all the towns and boroughs of the county; secondly, to search out and examine all persons liable to tax, find out who had been omitted earlier, and make a list of their names and addresses for the collectors, to facilitate collection and to prevent evasions of payment—in effect, to take another independent census; thirdly, to make indentures with the constables so that none were left out from the total number liable to tax; fourthly, to certify to the treasurer and barons of the exchequer the number and names of the taxable, and to give them, at the time of audit of the collectors' accounts, their part of the indentures made between them and the constables; and fifthly, to arrest and imprison all defaulters. At the same time, the collectors were ordered to show to these inspectors their indentures made with the constables.

The reason given for the appointment of the inspectors was the negligence of the collectors in the aforesaid counties, who were accused of having "spared many persons, omitting some at

[1] See later, p. 367.

[2] Mr. Powell mentions this (*loc. cit.* p. 6) and quotes the rate of pay, 1s. 6d. a day; but the account, for £7 : 4 : 0, was not audited and passed until 1395, fourteen years afterwards. In it the duties of Sayvill are described as being "ad scrutinium et inquisicionem faciendum de numero et nominibus personarum taxabilium ad subsidium regi per laicos . . . concessum"; *E.A.* 510/22.

[3] The appointments of these inspectors are enrolled in the fine rolls. See *C.F.R.* ix. 248-250. We owe to Mr. Powell (pp. 5-6) our first knowledge of the commissions, which he derived from *L.T.R. Orig.* 140/12, 13, copied of course from the fine roll enrolment. Sir Charles Oman printed this originalia letter as appendix iv. in his *Great Revolt of 1381*, pp. 183-185, but he does not seem aware that the writ was enrolled in the fine rolls and that the letter in the originalia is merely copied or extracted from the fine rolls, where the enrolment is naturally nearer the original letter than the originalia record.

random and others out of favour or carelessness." By tightening the reins of administration, it was hoped to force all who were liable to the tax to pay their due share. Yet the methods of the inspectors were so rough, their tasks so unpopular and the motives of their appointment so generally misunderstood,[1] that the ultimate result of the inspectoral commissions was the outbreak of the Peasants' Revolt.

How much disliked and how deeply resented was the thrice-repeated attempt to compile a census, a memorandum recording what took place at the exchequer, when the London collectors came to have their accounts audited, affords ample proof. The memorandum also throws some light on the attitude of the Londoners to the subsequent rising. It recapitulates the circumstances and conditions of the grant, the uses to which it was to be put, the principles of its assessment and collection, and the date by which it was to be paid in to the exchequer. The sheriffs of London and Middlesex had received orders to distrain the collectors and controllers for the city and suburbs of London, to present their account for audit on April 22, 1381. On the appointed day, they duly returned the writs properly executed, appearing at the exchequer, accompanied by the collectors and controllers. To the barons' charge to present their account, the collectors and controllers replied that the populousness of the city and suburbs made it impossible for them to find out the names, rank, and condition of each person, without dangerous agitation among the tax-payers, and without great labour and expense, from which no advantage could result. They added that they would furnish the number of all persons liable to the tax in their district, as they were in the habit of doing when similar subsidies were granted. On considering this statement, the chancellor, treasurer, justices and others of the king's council came to the conclusion that the said collectors and controllers could account to the king's satisfaction without supplying the names, rank and condition of each person, and that they themselves would be able, by means of the numbers only, to detect and punish any fraud or concealment. Accordingly, it was decided that the collectors and controllers should be admitted to render their

[1] Powell, *loc. cit.* pp. 5-6.

account without delivering any details, save only the total number of persons taxable.[1]

The fifth and final effort made to get the money collected and paid in took the form of orders issued from chancery on April 8, 1381, to all the sheriffs of England to use "all manner of ways and means to constrain the collectors of the late subsidy of three groats, and enjoin on them in the king's behalf, under penalty of a fine of £10 each, that they cause the whole of the arrears of the said subsidy, both of the first and of the second term of payment, to be collected and levied without delay or dispute, so that they have the arrears at Westminster in the octave of Easter next,[2] for delivery to the king's treasurer and chamberlains there."[3] These instructions, amplifying the writs the sheriffs had received to distrain the collectors and controllers to account on April 22, 1381, were, as we know, destined never to be fully executed.

The Great Revolt broke out in the last days of May and came to a head about the middle of June 1381. Its culmination took place in London and the suburbs between June 12 and 15, but it was not until the end of the month that the widespread troubles in the eastern counties were appeased and general order restored. Its course need only be considered here, however, from the point of view of its effect upon the administration. The tedious story we have told of the administrative stupidity which provoked the rising will have prepared the way for the exhibition of official imbecility which the whole history of the revolt demonstrates.

The causes of the upheaval were numerous and their extent, nature and relative importance are still under debate. Yet there was then, as now, a general consensus that the extreme incompetence of the administration was a widespread grievance which, if bearing most heavily upon the poor, touched every rank of society. An intelligent contemporary regarded the immediate cause of the revolt as notoriously the misdoings of the lesser officials of the crown, resistance to whom brought the rebels up against the greater ministers, and ultimately against the king

[1] *M.R.K.R.* 157, com. rec. East. t.
[2] Easter Day was on April 14, the octave was therefore on April 21.
[3] *C.F.R.* ix. 247.

himself.[1] The point made by the London collectors at the audit of their account suggests the fault was not only administrative incompetence and injustice, but a mulish determination to enforce a thoroughly distasteful order in the face of public opposition. Yet, although the census inquiries may have precipitated the outbreak, there were other more deeply rooted influences at work, which were fundamentally responsible for it.

There are copious details in the chronicles concerning the causes, course and effects of the revolt, but their stories are usually muddled and contradictory,[2] although they share the opinion that the immediate source of trouble was resentment against the high-handed actions of the local executive agents of the crown. Our only concern here is to deal with such aspects of the rebellion as illustrate these administrative failures, the revenge taken on the king's officers and the part which the ministers played in the suppression of the revolt.

The earliest dated insurrection is that in Essex on Thursday, May 30, 1381, but the pardons issued suggest there had been disturbances somewhere since the 1st May.[3] The misdeeds of John Bampton, an Essex landholder, much employed in local business, when serving on a commission at Brentwood, are said to have brought about this rising.[4] The precise nature of the

[1] This is well brought out in *Rot. Parl.* iii. 150, where chancellor Pole's opening speech to the parliament of 1383 contains these statements: "Le disobeissance et rebellion q'ome ad fait . . . envers les petitz ministres du roy, come viscontz, escheteours et les coillours de les subsides et autres tielx, estoient sours et cause principele del traitureus insurrection." . . . "La quelle (*i.e.* la commune) primerement estoit rebelle as ditz petitz ministres, et puis as grantes officers del roialme, et al drain au roy mesmes, come bien le savez."

[2] This is notably so in the most interesting and suggestive of all, the *Anon. Chron.* See for instance, n. 4, below.

[3] There was perhaps some sort of tentative rebellion, or riot, in Essex in early May, and a second and more serious rising, when Bealknap and his fellows tried to suppress and punish the first breakers of the peace. This may be where Bampton really came in.

[4] *Anon. Chron.* pp. 134-135, gives the best account of Bampton's activities, though it erroneously calls him Thomas, and describes him as receiving "une commissione pur enquerre en chescune ville coment ils furount leuez." Bampton held several Essex manors (Réville, p. 220), represented that shire in the 1377 parliament, and held many local commissions of importance, including that of the peace. He was in August 1380 made Buxhill's steward for Havering-atte-Bower, whose profits Buxhill had lately been granted; *C.P.R., 1377–81*, p. 541. In the eyes of the insurgents, the master was as responsible as his agent. It is conceivable that *Anon. Chron.* confused Bampton with John Gildesburgh, the first-named inspector on the Essex list, who, like Bampton, had his manors pillaged; *C.P.R., 1381–85*, p. 24. Gildesburgh had been member for Essex and

work Bampton was engaged in is not clear, but it is certain he was not one of the poll tax inspectors appointed in March 1381, for Essex or any other district.[1] Probably he was acting simply in his capacity of justice of the peace.[2] Equally guilty were the two royal sergeants-at-arms, who fled to London with Bampton, and his three clerks who were murdered by the Essex rebels. Before long, organised combination of three townships to resist the tax grew into a general rising of the commons of Essex.

Almost the same thing happened in Kent. There are two versions of the revolt in that county. One ascribes the rising to the infamous conduct of John Legg, the royal sergeant-at-arms, with long experience as a collector of unpopular taxes,[3] who was appointed an inspector of the subsidy in Kent.[4] The Lancastrian chronicler [5] is convinced that Legg first suggested the new commission to the crown; that he and his colleagues paid largely for their offices; and that it was pursuit of personal gain which led Legg and his associates to offer the insults to women, which the most celebrated of all the stories of the revolt make the beginning of the trouble. The story as it stands does not look probable, for the chronicler at once goes on to confuse the Kentish and the Essex risings and makes Thomas Baker of Fobbing a leader of the Kentish men. Yet Fobbing was one of the three villages in Essex which joined to resist Bampton at Brentwood. There was, however, plenty of communication between the Essex and the Kentish malcontents.

The other account makes the Kentish revolt begin on Whit Monday, June 3, at Gravesend, when Sir Simon Burley, the vice-chamberlain, appeared with two sergeants-at-arms, arrested a man whom he claimed as his serf, and roughly refusing to allow his friends to purchase his release, shut him up in Rochester castle. Some help was given him by John Legg, who was pursuing his

---

Speaker in the parliaments of Jan. 16–Mar. 3, and Nov. 5–Dec. 6, 1380. See above, pp. 350-351, 355. Popular champions in parliament were quite as likely as the courtiers to be oppressors.

[1] *Anon. Chron.* p. 193, for Mr. Galbraith's note; and *C.F.R.* ix. 248-250.

[2] As Petit-Dutaillis in Réville (p. lxxi.) suggests.

[3] He had been a buyer for the household of Edward III., and had his account finally disposed of only in May 1381; *M.R.K.R.* 157, breu. dir. bar. Hil. t. m. 28d and Easter term (m. 17). In 1377 he was collector of the subsidy on cloth.

[4] *C.F.R.* ix. 248-250.

[5] *Cont. Knighton*, ii. 130-131.

investigations as poll tax inspector and seeking out defaulters.[1] By this time North Kent, following the lead of Essex, rose in protest. On the whole this second seems the more probable story of the two, but if it is true in broad essentials, it is inaccurate in its details. Granted that a serf of Burley was recaptured at Gravesend and imprisoned in Rochester castle, Burley himself cannot have participated in the proceedings, because he had set out from London on May 15 for Bohemia, and did not return to England until January 1382.[2] Accordingly, whatever part his underlings played, Burley personally must be exonerated from blame. Many of the Essex men went to the aid of the Kentish rebels, and by their joint action, Rochester castle was sacked [3] and Burley's serf set free. From Rochester the revolt spread to Maidstone and Canterbury. At the latter place the archbishop's prison was broken into on June 10, and his most important prisoner, the priestly incendiary, John Ball, released from captivity, became the preacher of the new gospel. Thence the Kentish men streamed rapidly towards London, encamping at Blackheath for the night of Wednesday, June 12. This wonderful feat of marching, seventy miles in two days, may be ascribed to the energy of Wat Tyler of Maidstone, the rebel chieftain.

The attack on royal officials continued. At Canterbury the monks of Christ Church were told to choose a monk as the next archbishop, for the present archbishop was a traitor and would soon be executed. But John Ball taught that all bishops, lords and abbots should be destroyed, and that there should be only one archbishop, namely himself. The Essex mob plundered and burnt the manor of Thomas Haselden,[4] controller of John of Gaunt's household, and clamoured for his head. This they did

[1] *Anon. Chron.* p. 136, which connects Legg with the rising in this way, though later in the day than *Cont. Knighton*, p. 130. It may be the chronicler's loose way of telling us that Legg was a Kentish inspector.

[2] See later, p. 382, and iv. 340.

[3] A circumstantial story of the Kentish rising, from the sack of Rochester onwards, is given in *C.C.R., 1396–99*, pp. 171-172, an order of 1397 to restore the lands of a Robert Baker previously acquitted of complicity in it. The sack of Rochester castle was on Trinity Sunday, June 9.

[4] For Haselden, see *John of Gaunt's Register* passim. He was John's "dear and well-beloved esquire," controller of the duke's household after 1372, having previously served in John's recent expedition in France. He had lands in Cambridgeshire, Hertfordshire and Essex, which were ruined by the rebels; *C.P.R., 1381–85*, p. 76. *Anon. Chron.* p. 138, calls him "valet del duc de Loncastre." This chronicle is seldom accurato with official titles.

because of their hatred of his master. The rebels also desired the death of Thomas Orgrave, treasurer's clerk in the exchequer of receipt, and the treasurer's right-hand man, whose history shows his close attachment to the court.[1] Already they were aiming at higher game. As an earnest of what was to befall the treasurer, the Essex rebels devastated the Hospitallers' manor of Cressing Temple between Braintree and Witham.[2]

A new phase of anti-ministerial activity began with the arrival of the rebels in London. Shut off for a brief period from access to the city over London bridge, they worked what mischief they could in Southwark, breaking open the prisons of the marshalsea and king's bench and releasing the captives, and destroying the fine house of Richard Imworth, the king's marshal, who escaped by flight.[3] Thence they moved westward and sacked Lambeth manor house, where they destroyed many chancery registers and records which archbishop Sudbury had stored there.[4] The archbishop escaped death by flight over the river to the king's palace, whence he fled with the king to the Tower. When the treachery of the alderman in charge of the drawbridge at London bridge admitted the mob into the city,[5] they rushed through the streets, burnt the Fleet prison of the common bench, and released the prisoners, but otherwise did little harm. They sacked the New Temple, both because it belonged to the knights of St. John and because among their tenants were certain "apprentices of the law," whose books and records they burnt.[6] Thence they passed on to Chester's Inn

[1] *Ib.* p. 138, which calls him "clerk del receit et southtresorere Dengleterre." Orgrave had been made treasurer's clerk in the receipt in 1369, was superseded in 1374, but reappointed in January 1377, and continued up to January 1385, when he was made chamberlain of the exchequer in succession to John Bacon, king's secretary; *C.P.R., 1381–85*, p. 517. Cf. *ib.* p. 516, which shows that his appointment was at Bacon's instance. The treasurer's deputy in the receipt had some claim to such a title, and by Henry VIII.'s time had come to be called under-treasurer.

[2] *Anon. Chron.* pp. 135, 194. Compare Réville, p. 204, and *C.P.R., 1381–85*, p. 76.

[3] *Anon. Chron.* p. 140, which gets Imworth's Christian name wrong, as usual.

[4] Monk. West. pp. 1-2.

[5] Réville, p. 194.

[6] *Anon. Chron.* p. 141. Compare *Cont. Knighton*, ii. 135 and *Chron. Angliae*, p. 289, "in quo apprenticii juris morabantur nobiliores." These three independent chroniclers agree in the occupancy by "apprentices of the law" of houses and chambers in the New Temple. It is the first clear evidence that the Temple was becoming the abode of lawyers, and was, therefore, becoming an

in the Strand, where John Fordham lived and kept the office of the privy seal; but here they were content with stealing the keeper's wine from his cellar.[1] Their full vengeance fell on John of Gaunt's manor of the Savoy, the finest house in England, which they utterly ransacked, devastating the most magnificent wardrobe in Christendom, and declaring that they would have no king named John.[2] The explosion of the duke's store of gunpowder completed the destruction of his mansion. The Londoners, panic-stricken and divided in council,[3] did nothing to resist them. Yet the failure of the mob to break into the exchequer at Westminster [4] shows that a stiff resistance might well have foiled their efforts elsewhere.

For two days the rebels worked their will on London and its suburbs, breaking up into small bands and plundering, burning and murdering their unresisting victims. Spite against the knights of St. John and their prior was further gratified by wrecking their central house at Clerkenwell and burning their suburban manor of Highbury. Inmates of the prisons, including the city prison of Newgate and the abbot's prison at Westminster, were released, and the mob still sought to wreak their vengeance on ministers, officials, foreigners, lawyers and the "questmongers," or professional jurors and witnesses. They destroyed the houses of John Butterwick, the unpopular undersheriff of Middlesex. They took Roger Leget, the great "questmonger," out of his refuge in St. Martin's le Grand, and beheaded

"Inn" or two "Inns of Court." Another evidence of the legal invasion of the Temple was that the Temple church was already the place of custody for some of the records of the common bench which were also burnt by the rebels; *C.P.R., 1381–85*, p. 394. The priory of St. Bartholomew's, Smithfield, was regarded as their lawful place of custody, but the negligence of the prior had caused great damage to them; *C.C.R., 1381–85*, p. 428. Perhaps this was why some found their way to the Temple. The "master of the New Temple" and the "Templars" referred to in *Ib.* pp. 390, 594, are in no wise evidence of the existence there of a law school.

[1] *Anon. Chron.* p. 139. See also later, vol. v. ch. xvi.

[2] *Anon. Chron.* pp. 141-142. Walsingham, i. 455, "nullum regem qui vocaretur Johannes acceptarent." For the destruction of the Savoy see the highly coloured account of a Lancastrian partisan in *Cont. Knighton*, ii. 134-135. Here the rebels checked plunder. They were "zelatores veritatis, non fures aut latrones."

[3] Monk West. p. 4: "Civitas Londoniae in se ipsa confusa et aliquantulum, ut a multis putabatur, in se ipsam divisa, quid ageret non cernebat."

[4] *Ib.* p. 4 has the marginal note, "attende quod isto die nitebantur aerarium regium spoliare apud Westmonasterium." This was Friday, June 13.

him on Cheapside. A more famous victim of their fury was Richard Lyons, the hated merchant prince, who had survived the attacks on him in the Good Parliament. Lyons, like Leget, was rudely beheaded in Cheap.[1]

Up to now the chief offenders had escaped the violence of the rebels. On June 12 the court fled from Westminster, at the moment when the sack of Lambeth and the admission of the mob into the city showed the need of retreat. The king, his mother and his cousin, the young earl of Derby, took refuge in the Tower, along with his highest officials and most unpopular supporters. Among them were Sudbury, the chancellor, the prior of Clerkenwell, the treasurer, Fordham, the keeper of the privy seal, and many minor objects of popular hatred, including John Legg. The Tower was well fortified and garrisoned,[2] and should easily have resisted a concerted attack, but the defenders were smitten with panic and made no attempt at defence.[3]

On that same June 12, the unhappy archbishop resigned the great seal and betook himself to his devotions. There was already a difference of opinion between him and the courtiers who controlled the king. The latter favoured negotiations with the rebels; the minister had stopped the king's attempt to treat with them at Blackheath before the final move on the capital. But the king now had it all his own way, and his action in the next two days confirmed the impression, already held by the rebels, that Richard was on their side. The king approached the rebels on the morning of Friday, June 13. He went out early with the princess of Wales, Aubrey Vere and other courtiers, met the mass of the rebels at Mile End, promised them charters of manumission and pardon, and persuaded the bulk of the Essex peasants to go back home. He left his ministers behind him in the Tower, and took no steps to protect them. During

[1] A timely death saved lord Latimer from a similar fate. He was smitten with paralysis on his way to dinner with treasurer Hales, and soon died; Monk West. p. 1.

[2] We may well believe this without accepting the statement of *Chron. Angliae*, p. 290, that there was a garrison of 600 men-at-arms and 600 archers.

[3] *Chron. Angliae*, p. 290, accuses the king of sacrificing his ministers to save himself: "alias sciret semet ipsum vita privandum. Rex igitur in arto positus permisit eos Turrim intrare." We should blame the household officers who inspired Richard's action rather than the king. But the St. Albans chronicler is a prejudiced witness. For the sack of the privy wardrobe in the Tower see later, v. 459-461.

his absence, the rebels who remained on Tower hill, burst into the undefended fortress, brought out the most unpopular of the officers, and beheaded them on Tower hill. The most conspicuous of the victims were the chancellor and treasurer. Among lesser sufferers were John Legg, the sergeant-at-arms whose violence had done so much to excite revolt in Kent, and Appleton, a Franciscan friar, whose chief offence was that he was the confidant and physician of John of Gaunt. Henry of Derby, a boy of the king's age, nearly suffered the same fate, simply because he was the duke's son.

What followed Richard's return from Mile End would be incredible were it not so abundantly vouched for by both chronicles and records. The king and his courtiers dared not approach the Tower, but found a refuge in the great wardrobe hard by Baynard's castle.[1] The mob continued their plundering and murdering, showing especial animosity to Flemings. Richard wandered through the city and its suburbs amidst these scenes of disorder. On Friday we find him at Westminster abbey, where he went to pay his devotions at the Confessor's shrine. There, in his presence, the mob dragged from the shrine of St. Edward, Richard Imworth, the marshal, who had escaped from their clutches at Southwark, and brutally put him to death.[2] Yet Richard continued to negotiate, and next day, Saturday, held his famous interview with Wat Tyler and the Kentish insurgents in Smithfield, within sight of the burning ruins of Clerkenwell priory. There is no need to repeat the well-known tale of what befell the king on that occasion, and how, when the rebel leader was slain, Richard conciliated his followers by offering himself to be their captain.

This was the courageous gesture of a spirited boy, yet it would hardly have produced permanent results but for the prompt action of William Walworth, the mayor of London, the first magistrate to do his duty since the troubles had begun. Attended by a single servant, he rode into the city and appealed to the Londoners to rescue the king. Soon Walworth came back again, accompanied by a strong force, commanded by Sir

[1] See for this later, iv. 410. The chroniclers already speak of it as "the wardrobe" simply.

[2] Réville, p. 212, "coram ipso rege." But the acquittal of the prisoner charged with the murder nearly a year later, throws doubt on the testimony.

Robert Knowles, the veteran of the French wars. To these two men, Walworth and Knowles, belonged the merit of doing for the state the work it was too feeble to do for itself. Their appearance saved the king, overawed the rebels, and soon the Kentishmen, like the Essexmen on the previous day, were on their way home.

Thus the attack on London failed, but formidable revolts were already breaking out in many districts, notably in the eastern counties, where a series of simultaneous outbreaks showed either the moral effects of the rebel successes in London, or the able organisation behind the movement. These rebellions were more local and self-contained than those we have already described. We hear little about the poll tax, little about the misgovernment of the realm, and nothing about the misdeeds of John of Gaunt and the king's ministers. These risings against local lords by tenants, anxious for personal freedom, or by townsfolk, desirous of wider charters, have less to do with administrative history than the main rebellion further to the south. Yet, here, too, the vacillations of the government and the high-handed action of individual officials, complicated the situation. At the crisis of the revolt, a deputation of St. Albans townsmen extorted from the king a signet letter, directing the abbot to surrender the royal charters to the borough, which they imagined he had in his keeping.[1] The prudence of the abbot and the moderation of the rebels restricted, and soon stifled, the Hertfordshire risings. It is significant that, even after Tyler's death, two household officers of the crown, Hugh Segrave, now Richard's chief minister, and Thomas Percy, king's knight,[2] were sent down to St. Albans to persuade the abbot to complete the promises he had made to his tenants. This salutary counsel kept the abbot true to the ways of moderation.

The trouble in northern Essex, Norfolk, Suffolk and Cambridgeshire was more serious. Here also many royal officers paid with their lives the penalty of their local connections and of their reputation for oppression. The most prominent of these

[1] This is printed in Walsingham, i. 473.

[2] *Ib.* i. 482. For Segrave's position see later, pp. 375-378, 380, 399. Thomas Percy, brother of the earl of Northumberland, though much occupied with the French war, had been since 1378 "retained to stay with the king"; *C.P.R., 1377–81*, p. 108. He was still "king's knight" in 1383; *ib., 1381–85*, p. 227. His usual style is "king's kinsman."

was the chief justice of the king's bench, Sir John Cavendish, a Suffolk personage, whose house at Bury had been destroyed by the rioters. Cavendish had attempted flight, but on June 14 he was done to death by the rebels at Lakenheath.[1] Soon afterwards his friend, John Cambridge, prior and acting head of Bury abbey, was killed near the same place. The riot extended into Cambridgeshire and Huntingdonshire, whose great abbeys were specially assailed by the revolted bondsmen. At Cambridge the townsfolk took the chance to attack the privileges and burn the records of the university.[2] The mayor, a weak and "insufficient" man, led an assault on the priory of Barnwell, and afterwards pleaded that he thought he was obeying the king's order.[3] In Huntingdon William Wightman, spigurnel in chancery, was rewarded for his service in repressing the revolt.[4] Here again we find a royal official showing energy.

The tide of revolt at last rolled northwards to Norfolk. Here was the same absence of political motive as in Suffolk, and the only evidence of resentment of the poll tax was the rough treatment meted out to its collectors. But though threats to life were freely scattered against royal officers, the rebels easily abated their fury in consideration of small fines or ransoms.[5] Only in east Norfolk was there a more desperate spirit, and bishop Despenser had to win a pitched battle at North Welsham before the rebels were crushed.

[1] For Cavendish, see Powell, pp. 12-14, 126 and 141. An absurd notion that he was chancellor of Cambridge University, repeated in many standard works, has no better foundation than the misunderstanding of a chancery writ which puts Cavendish and the chancellor on a commission; *C.P.R., 1377–81*, p. 574, is set right by *C.C.R., 1377–81*, p. 483.

[2] Corpus College suffered especial damage because it was "of the patronage of the king's uncle, the duke of Lancaster"; *C.P.R., 1381–85*, p. 143.

[3] *Rot. Parl.* iii. 106-109 well illustrates the revolt in Cambridge. See also Powell, pp. 41-56, and the other documents in Réville, pp. 241-250. The mayor, John Marshall, a smith, was removed by the crown before Sept. 22; *C.C.R., 1381–85*, p. 13.

[4] *C.P.R., 1381–85*, p. 120.

[5] Thus Sir Edmund Raynham, collector of the poll tax in Norfolk, was "ransomed" for 14 quarters of oats; Powell, pp. 36, 120. John Cranwick, a West Norfolk chancery clerk, was threatened with death and the burning of his house at Thetford, but his friends in his absence bought off the rebels with 40s. of his money, which Cranwick afterwards had some difficulty in getting back; *C.C.R., 1381–85*, pp. 42, 50. "Cranewys," the name given to him in the chancery rolls, is the contemporary form of the village near Thetford, now called Cranwick. Nicholas Massingham, collector of the Norfolk subsidy, was also threatened; Powell, p. 28.

The state again came into its own when judicial action was invoked for the punishment of the rebels. When, on June 15, the terror was removed from London, repressive measures at once began. On the very day of Tyler's death, a commission of five was empowered to take provision for the safety of the city and suburbs.[1] Four of the five were men who had been foremost at Smithfield, Sir Robert Knowles himself, Walworth, the mayor, and two other London aldermen, John Philpot and Nicholas Brember. All three Londoners had been knighted by the king after the dispersal of the rebels. With Brember, a new man, with strong court leanings and a vigorous following in the city, came into the forefront of politics. On the same day a commission to hear and determine was issued to the same group, with some additions, of which the most significant was Robert Bealknap, chief justice of the common bench.[2] Other commissions were soon hard at work. The course before them was made clear by the proclamation on July 2 that the king had, by the advice of his council, revoked the letters patent of manumission and pardon " lately issued in haste " to the rebels.[3]

For the next few weeks the king and court wandered amidst the centres of the revolt in the eastern counties, where the household officers took an active part in the punishment of offenders. For two months no responsible successors were found for the murdered chancellor and treasurer. How the exchequer was managed we are left to guess, but the arrangements for the chancery are both interesting and significant. On June 14, Richard, then established at the great wardrobe, put the seal into the hands of Richard, earl of Arundel, but this " chancellor for the day " had, as his chief business, the drafting and sealing of the writs necessary to give effect to the pardons and manumissions, so soon to be repudiated.[4] The change of policy involved in their cancellation was marked by Arundel's replacement on June 16 by Hugh Segrave, who still remained steward

[1] *C.P.R., 1381–85*, p. 18. [2] *Ib.* p. 23.

[3] *Foedera*, vii. 317-318, original edition.

[4] *Anon. Chron.* p. 146: " En quel temps, par cause qe le chanceller fuist decolle, le roy fist le count de Arundell *pur la iourne chanceller*, et luy bailla la graunde seal, et par tute le iour fist diuerses clerkes escriver chartres et patentes et protectiones a eux grauntes saunz fyne de seal ou de escripcione prendre." The official version of the changes in the custody of the great seal is in *Foedera*, iv. 123.

of the household. Segrave was to hold the seal "until the lord king could more conveniently provide himself with another chancellor."

For two months this anomalous state of things continued. With this period we seem back in Norman or Angevin times, for the seal was kept in the royal household and was carried from place to place by its keeper during the constant wanderings of the court through Hertfordshire and Essex. With the seal went some at least of the chancery clerks, though others remained at Westminster and dated writs there. For the first time for many years, the dating of chancery writs is for some months suggestive of the royal itinerary.[1] When after a fortnight's wandering in Essex, the king devoted the second half of July to Hertfordshire, the St. Albans chronicler recalls with pride that, during his eight days' stay at their convent, the king's chancery was held in the chapter house, so that it became easy for the abbot to obtain what he wanted.[2] During that period the king was personally present at the trials, held before chief justice Tresilian, in the "Moothall" of St. Albans. Tresilian, the successor of the murdered Cavendish, was exceptionally severe, both in Essex and in Hertfordshire. The St. Albans chronicler makes it clear that Tresilian had to use considerable pressure to procure the conviction of John Ball, Grindcob, and the other malefactors there tried. When the work at St. Albans was done, the court moved to Berkhamsted. By the end of July, Richard could retire to Easthampstead and divert himself by hunting in Windsor forest. The rebellion was at an end.

Elsewhere also the commissions had done their work. Though there were stern reprisals, much cruelty and some injustice, the offenders now received a fair trial and were only condemned after the verdict of a jury. The French scholar, who has added

[1] See for this the *Calendars of Chancery Rolls* passim, and the article of Mr. W. H. B. Bird on "The Peasants' Rising in 1381 and the King's Itinerary" in *E.H.R.* xxxi. 124-126, which corrects the chronology of Rymer's editors in *Foedera*, iv. 95 and 123. Mr. Bird is substantially accurate in the itinerary which he gives for this exceptional period, but he hardly realises that, under normal conditions, the dating of chancery writs throws little light on the king's personal movements.

[2] Walsingham, ii. 38: "Nam regis cancellaria tunc tenebatur in domo capitulari, unde facilius consequi potuit idem abbas quae volebat." Abbot de la Ware was a personal friend of Hugh Segrave, the steward and keeper of the great seal; *ib.* p. 30.

most to our knowledge of these proceedings, remarks on the grave and judicial character of the trials, the absence of torture, and the infrequency of irregular reprisals. He compares favourably the methods of Richard's judges with those of French courts down to much later periods. We, who examine the depositions still preserved in the Assize rolls, are struck with the number of acquittals of persons against whom the clearest testimony seems to have been forthcoming.[1] But personal enmities and greed made it hard for justice to hold the scales even, and discredited some of the most circumstantial witnesses against the incriminated persons. The excessive energy of some of the judicial commissions was stopped by the evocation of the trials to the king's court. Before long a general pardon, involving only some notorious exceptions, made easier the return of the administration to normal ways.

The repression of the revolt and the punishment of the rebels had been limited in their early stages to administrative and judicial action. The most potent and effective element in the reconstitution of order had been the court, and it was now necessary to emphasise the restoration of normality by securing for the acts of the ministers the support of aristocratic and popular opinion. The former was sought in the great council of Reading, which met on August 10, 1381; the latter was only to be obtained through parliament. Though summoned for September, it was not until November that the parliament assembled which was to ratify the action of court and magnates. The chief reason for delay was the recrudescence of ancient feuds in the council of Reading, whose every act shows how little the Peasants' Rising had altered the point of view of the governing classes.

The first business of the Reading council was the appointment of new ministers, and it is significant that these appointments were regarded as the work of the nobles in council, and not as acts of the royal prerogative. It was "by election of the council" that Hugh Segrave's services in the days of trouble were

[1] Take, for instance, the case of the London citizen, Thomas Faringdon, accused of a leading share in the early Essex rising, the death of Hales, the burning of the Savoy and the destruction of the Temple and Clerkenwell priory, but pardoned on Feb. 25, 1382, on the mayor of London certifying his innocence; Réville, pp. 203-205.

recognised by his elevation to the treasurership. His stewardship of the household was transferred to Sir John Montague, and both treasurer and steward remained in office for nearly five years. A real chancellor was found in bishop Courtenay of London, who had just been elected and confirmed as Sudbury's successor at Canterbury.[1] Thus the promotion of the household officer to the treasury was balanced by entrusting the seal, the custody of which he relinquished, to the most stalwart of the aristocratic prelates; though within two months Courtenay was replaced by Sir Richard Scrope, a much less decided partisan.[2] The other household officers remained unchanged, and John Fordham, though now bishop-designate of Durham, remained till the winter in charge of the privy seal.

The most exciting event of the Reading council was the return of John of Gaunt to active politics. His northern mission had the happy result of keeping him out of the way of popular vengeance during the revolt. He had now concluded a truce with the Scots, and was summoned to the council by the court. He was, however, full of resentment of the outrages against his good name, and the wholesale destruction of his property during the disorders.[3] He had also fallen out badly with his old ally, the earl of Northumberland, and was eager to prosecute his feud

[1] Monk of Westminster in Higden, *Polychronicon*, ix. 10, Rolls Ser.: "Nonis Augusti, accitis totius Angliae magnatibus, rex tenuit consilium suum Radingiae, in quo electus cancellarius Angliae dominus Willelmus Courteneye, episcopus Londinensis, et thesaurarius Hugo de Segrave, miles." This chronicle, beginning in 1381, which largely compensates us for the loss of the *Anonimalle Chronicle*, now at an end, is not, as was once thought, the conclusion of the chronicle of Robert of Reading, but the independent work of an anonymous monk of Westminster. See for this Dr. Armitage Robinson's "Unrecognised Westminster Chronicler" in *Proceedings Brit. Acad., 1907–1908*, pp. 61-92. His convincing proof is the "igitur nostrates caveant" of p. 223.

[2] We learn the exact date of Scrope's entry into office from *E.A.* 400/4, a great wardrobe roll of liveries recording that he began to receive his "fee of wax" on Oct. 30, 1381.

[3] See for John's actions at the period, the extraordinary account in *Anon. Chron.* pp. 152-154. On entering England he was told that the south country had banded together with the king to destroy him, and he therefore thought it prudent to return to Scotland. For a time his followers wavered in their allegiance to him. He was so moved by fear or repentance that he put away Catherine Swynford and was reconciled to his duchess. At last he ventured south, at the king's special request. Full details of his splendid and almost royal progress through Yorkshire are given, but the narrative unfortunately breaks off with his arrival at Wetherby. See also *Chron. Angliae*, pp. 327-329; *Cont. Knighton*, ii. 144-149. Compare Armitage Smith, pp. 249-256.

against him. Accordingly, he appeared at Reading in angry mood. To conciliate him, he was, on August 18, appointed sole justice of the king to hear and determine all crimes connected with the insurrection.[1] His feeling against Northumberland could not be easily satisfied. An attempt was made to end the feud between them at a later council, held in October at Berkhamsted, at which nearly all the earls appeared.[2] This only resulted in an unseemly altercation in the king's presence. Northumberland lost his temper and challenged the duke to single combat. Each of the rival magnates protected himself by an armed following, and the council broke up in disorder.

Amidst these new troubles, the parliament, summoned to Westminster for September, was postponed till November. When that month was reached, the movement of armed forces to London suggested a stormy parliament of the type familiar under Edward II. The Londoners, ever hostile to Lancaster, took up the cause of Northumberland, and welcomed him and his followers within their walls.[3] Vigorous efforts were made to ensure the preservation of the peace, but the atmosphere of distrust delayed effective proceedings in parliament. After two days' debate, the quarrel between Lancaster and Northumberland resulted in the earl's apology and submission.[4] It was not until November 9 that the archbishop elect "set forth in part" the causes of the summons of parliament in an English sermon.[5] But he had the confidence neither of the king nor of the commons.

[1] *Foedera*, vii. 323; *C.P.R., 1381–85*, p. 77.

[2] *Chron. Angliae*, p. 329: "ubi congregati fuerunt ad interessendum consilio pene cuncti comites totius regni." Monk West. p. 10, dates the council "circa festum sancti Dionysii," that is, Oct. 9. The dating of chancery writs at Berkhamsted between Oct. 6 and 9 shows that this statement is substantially correct; *C.C.R., 1381–85*, pp. 10, 13, 15.

[3] The Westminster chronicler says that Northumberland "Londoniensum captans benevolentiam, interveniente juramento, civis effectus est"; Monk West. p. 10. Partisanship mounted to such heights that *Letter-Book* H, p. 174, recorded how a man was condemned to the pillory for having "falsely declared that he had witnessed the murder of a man belonging to the household of the earl of Northumberland, and the rescue of the murderer by six men of a certain other lord," doubtless the duke of Lancaster.

[4] Northumberland's submission is not recorded on the parliament roll, but is entered in full in the letter books of the duke of Lancaster, and is published in Armitage Smith's *John of Gaunt*, pp. 257-259. *Anon. Chron.* p. 156, is the only chronicle which gives any account of it.

[5] "Une bone collacione en *Engleys*." *Rot. Parl.* iii. 98-121, records the proceedings of this parliament.

The true introductory speech, entrusted to the treasurer, Segrave, was delivered on November 13. The commons showed their distrust of Courtenay by a petition that a "wise, discreet and sufficient chancellor," either clerk or layman, be appointed. But the archbishop had already bent before the storm. He had no mind to incur the fate of Sudbury, and was keener on suppressing Lollardy than in grappling with thorny problems of administration. On October 20 he had been superseded by Richard Scrope.

A further official pronouncement was made on November 18, by Sir Richard Scrope, "then newly created chancellor of England."[1] This appointment was substantially the work of John of Gaunt, who within a few weeks of the collapse of his hopes in the Peasants' Revolt, was able to establish his follower as the highest officer of state. The commons had seen the last of Courtenay, but only at the price of putting a Lancastrian in his place. How far Scrope was from representing the court point of view, we shall soon see.

With Scrope at the chancery, the serious business of parliament began. There was one point of agreement between parliament and the ministers, and that was that the enfranchisement of the villeins, already revoked by the crown, was beyond the competence of the prerogative and, therefore, invalid. But as regards the future government of the realm, the commons were substantially of one mind with the rebels. Maladministration had occasioned the revolt. The best hope for the future was to appoint a strong committee of reform, whose function was a thorough purging of the administration. There was nothing novel in this. It was broadly a renewal of the policy of the parliaments of 1379 and 1380, and the committee of sixteen now appointed included a large proportion of members who had previously served on similar bodies.[2] The most startling

[1] Monk. West. pp. 10-11.

[2] The members were headed by John of Gaunt, and included the two archbishops, Courtenay and Alexander Neville, bishops Wykeham, Arundel, Brantingham and Brinton, the earls of Arundel, Warwick, Stafford and Salisbury, three lords, Zouch, Neville, Grey of Ruthin and two bannerets, Richard Scrope and Guy Brian. In the official list both are "monsieur," that is "knight, as opposed to "seigneur" or "lord," but in the committee to confer with the commons they are called "banerettz." Yet they had both been repeatedly summoned to parliament for many years. Of the whole sixteen, seven, archbishop Neville, Wykeham, Brinton, Arundel, Warwick, Stafford and Brian, had served in 1380, and five, Courtenay, Brinton, Warwick, Stafford and Brian in

change was that John of Gaunt now figured at the head of the commission.

Elaborate details of the scope of the inquiry were specified. Amendment was to begin with the king himself, the "principal member of the kingdom." His household was to be drastically reformed. Good and worthy men were to be put next the king's person as the principal officers of his household. The crowd of men on horse and foot, which frequented the household, was to be so reduced that the king could live of his own. The king's confessor, Thomas Rushook, a Dominican friar, was forbidden the household, save during the four chief feasts of the year.[1] There was to be a similar examination of the non-household offices. The new chancellor was to be the wisest and most competent man available, as regards knowledge of both foreign and home affairs. When elected, he was to work with the commission in a strict examination and purgation of the chancery, whose clerks, rumour says, were "for the most part too fat in body and purse" and "grievous oppressors of the people." Similar arrangements were to be made as regards the "treasurer of England" and the exchequer, "for up to now the people have been illtreated in the said place without profit to the king and only to the advantage of the exchequer staff." An inquiry was to be made concerning the two benches, assizes and other places where law was administered. This was to be made by the chief justices of the two benches, two "sergeants" and four "loyal apprentices."[2] Abuses in the courts of other lords than the king were also to be investigated. In particular,

1379. But Brinton, Warwick and Brian were the only ones who had acted on all three committees. The commission of 1381 was overwhelmingly constitutional and aristocratic in character, though presided over by Lancaster. It suggests, as do the proceedings of the parliament, a novel co-operation between Lancaster and the earls and barons of the opposition, doubtless the result of the recent attitude of the court to the duke.

[1] *Rot. Parl.* iii. 101. Rushook was already king's confessor in 1379; *C.P.R., 1377–81*, p. 342. He had been in 1378 prior provincial of his order in England; *ib.* p. 310. Offence was given in 1386 by Rushook's appointment as chirographer of the common bench, in the erroneous belief that the holder of that post for life, William Street, was dead; *ib.* p. 583. The king procured from the pope the sees of Llandaff and Chichester in succession for him, and he was still king's confessor after he became a bishop in 1383.

[2] *Rot. Parl.* iii. 100-102. The calling in of members of both the higher and lower bars to reform the abuses of the two benches is a curious development of action through "estates" or degrees.

attention was to be devoted to abuses of maintenance, the decay of trade, and the depreciation of the coinage. These and many other requests the commons laid before the commission.

Investigations were begun at once and the results reported to parliament. Some things were to be remedied by statute of the present parliament, and the chancellor promised to amend at once, on his own authority, all that might be found amiss in the chancery. It was reported also to the commons, on the king's behalf, that the earl of Arundel and Sir Michael de la Pole had been elected and sworn to attend the king's person in his household to counsel and rule his person.[1] The commons asked permission to comfort their constituents by informing them of this. Some show was made of calling on the great officers of the household to swear before parliament to keep an ordinance for the reform of the household.[2] But there is no evidence that any such reforms were even drafted. There is an equal lack of evidence of any further action, and the whole inquiry seems to have been futile. Nothing had been learnt by experience, and the repetition of old remedies did nothing to redress long-standing grievances. On two points only was some satisfaction obtained. The pardons to rebels and to those who had put down rebellion by unlawful means were extended to all, with a few exceptions. The commons firmly refused all extraordinary taxation and made difficulties in renewing the wool subsidies expiring at Christmas. They urged the crown to adjourn parliament for the Christmas holidays, so that they might take counsel with their constituencies. This proposal was accepted the more willingly, since that period was already assigned for the king's wedding.

Long negotiations, mainly conducted by household officers,[3]

[1] *Rot. Parl.* iii. 104: "esluz, ordenez et jurrez d'estre de lees la persone le roy et en son hostiel pur conseiller et governer sa persone."

[2] *Ib.* p. 115, where the king answers a petition of the commons to this effect, by stating that this has already been done before the king and lords in parliament.

[3] The ambassadors were Edmund, earl of Cambridge, the king's uncle, Hugh Segrave, the steward and Aubrey Vere, chamberlain; *Foedera*, iv. 119. Anne was conducted from Calais to London "cum moderata familia" by the king's brother, John Holland, John Montague, the new steward, and Simon Burley, the sub-chamberlain; *ib.* p. 136. For Burley's earlier career, see above, pp. 331, 368. For Burley's accounts for his journeys to Bohemia between 3 and 5 Richard II., see below, iv. 340, n. 2. Robert Braybrook, the king's secretary, was also active in these missions. See his accounts in *E.A.* 318/25 and 27.

had already resulted in a marriage treaty between the English and Wenceslas, king of the Romans and of Bohemia, for the marriage of his sister Anne to Richard II. After long delays, Anne was escorted from Calais to Dover, passed Christmas at Leeds Castle, and was brought to London on January 18, 1382. Married on January 20 in St. Stephen's chapel, by the new bishop of London, the promoted king's secretary, she was crowned in Westminster Abbey on January 22 by Courtenay.[1] It was proclaimed that the pardons issued in parliament were due to the queen's intercession.

The adjourned session of parliament lasted from January 27 to February 25, 1382,[2] beginning at the end of the coronation festivities. The debates were stormy by reason of a proposal of the duke of Lancaster that he should be lent £60,000 to pay a half year's wages to an army he proposed to raise to prosecute his claims in Spain and Portugal. He pledged himself and his lands to ensure the return of the loan within three years "in money or in acceptable service." It is a proof of John's hold over parliament that such a proposal to transfer the conduct of war to a subject should have been seriously considered, and that its enemies based their opposition on such secondary pleas as the harm to the realm resulting from the absence of the duke and the magnates in his company. When at last the wool subsidy was renewed for four years, it was agreed that it should be employed in the defence of the realm and in resistance to the malice of our enemies, "whether by the voyage proposed by the duke of Lancaster to Spain or otherwise," provided always that the parliament assumed no responsibility for the Spanish war. Thus John got a good deal, if not quite all, of what he had asked, although the half-hearted attitude of parliament postponed the "voyage to Spain" for more than four years. During that period, preoccupation with its preparations diverted Lancaster's interest from English politics, and made innocuous his newly-won popularity.

Thus futility marked the foreign, no less than the administrative, policy of the parliament of 1381–82. We cannot find a better judgment on its proceedings than that expressed by the

[1] Monk. West. pp. 11-12, is remarkably precise and lavish in his dates.
[2] *Rot. Parl.* iii. 114.

St. Albans chronicler. "Many other resolutions were determined in that parliament. But what profit is there in writing down its statutes when hardly any result followed from them? For the king in his secret council kept changing all that had been determined in parliament, not only by the commons, but also by the magnates."[1] It was a dismal climax to nearly five years of a barren minority. In such unhappy conditions the young king, now a married man and entering on his sixteenth year, was first given opportunity of redeeming the promise which he had shown in the crisis of the Peasants' Revolt.

[1] *Chron. Angliae*, p. 333.

SECTION II

The Court Party and the Lords Appellant, 1382–1389

The breaking up of history into periods is generally a device of the historian for his own comfort, rather than an arrangement forced upon him by the facts themselves. Although sometimes the study of history does reveal genuine epochs and crises, it is more common to find extreme difficulty in cutting up into lengths the unending chain of historical development. There are few periods harder to subdivide into coherent sections than the reign of Richard II. The obvious crisis of the time has generally been found in the Peasants' Revolt. It has long been the fashion to regard it as a turning-point in social and economic history, and as epoch-making in political and administrative history. But the more closely its details are examined, the less confident do we become in our generalisations. It is now permissible to suggest that its effects, like those of the Black Death, have been exaggerated. We must recognise that the chief results of both were temporary, and that there is little reason for believing that these convulsions explain why it was that England was becoming increasingly different from its neighbours on the continent. Whatever the cause of the deeper social and economic changes, it is certain that the popular insurrection in no way disturbed the course of administrative history. The few weeks of revolutionary peril once over, things went on just as in the early years of the reign. There was no attempt at serious reconstruction, no wish to profit by the lessons of the revolt, or to apply remedies to the evils from which society had been suffering. As soon as the danger was over, we are plunged once more into the weary story of administrative inefficiency, rival factions, and short-sighted efforts to realise impossible ambitions, of which we had had more than enough in the first five years of the reign.

The politicians learnt nothing from the events of 1381. For the succeeding six years the course of parliamentary and administrative history went on just as before. The adolescent king was still kept in leading-strings, though he was supposed to

govern in person, as he had been imagined to do since the "continual councils" had been discarded in 1380. In fact, the appointment of Arundel and Pole to attend on his household and give him their advice made Richard still less of a free agent than he had been in 1381. John of Gaunt, far from being frightened into political inactivity, was more powerful than ever. The once hated duke was now popular with the commons and with many of the barons, and that despite his increasing aloofness from domestic interests, and his growing absorption in the quest of a throne in Spain. Parliaments still showed a keen interest in administrative reform, but were satisfied to suggest, over and over again, the expedients which had so often been tried and found wanting. They also clung to the old vain hope of being able to wage aggressive war in France without having to face the inevitable heavy taxation which a spirited foreign policy implied. The desire of all concerned with administration was to escape personal responsibility and throw their burdens on to other shoulders. The aristocracy could still grasp power, but could not agree as to how power should be exercised, and the administrative classes were unusually timid. Barons were divided from commons and clerks from laymen, and the strife of parties in London was as bitter and as interminable as that of the governing classes. Over all rose unending complaints against the court influence which made ineffective both the laws of parliament and the executive acts of ministers. There was, at least, good reason for the murmurs, for the one clear result of the tumult of these years was the consolidation and organisation of a new court party which either suggested to the crown, or accepted from it, a policy which commanded little general favour. The one hopeful feature seemed to be the emergence of the personality of the young king. But it was still a problem whether that slow and fitful emergence was likely to make for good or for evil. Another weary five years had still to be traversed before Richard fully grasped the sceptre of his ancestors.

If there were any outstanding points in the first years of the reign, they were the instability of parliament and the ineffectiveness of its remedies to put right the disorders of the state. Yet in spite of the teachings of experience, the next few years showed the persistence of the touching faith in parliamentary action.

For the three years, 1382, 1383 and 1384, there were two parliaments a year, one in the spring and one in the late autumn. More than once a great council preceded the parliament, only to shift responsibility on to its broader shoulders. The detailed history of these assemblies throws little light on administrative history, but their proceedings must be summarised shortly, if we would understand rightly the crisis which was brought about by their failures.

In all the great councils and parliaments of these years, foreign policy vied with administrative reform for the foremost place in debate. Foreign affairs filled up not only parliamentary debates but the bulk of the chronicles. To the contemporary historians nothing seemed so important as the renewal of the king's claims to the throne of France. The schism in the papacy was welcomed by them because it invested with a crusading halo the national fight against the schismatic French and their Scottish and Spanish allies. Next to the French war, the chief preoccupation of the chroniclers was with the efforts made to stamp out the Wycliffite heresy. That we are able to supplement the official records of parliament's proceedings from many details supplied by the annalists shows also the hold of parliaments on public opinion. If these details mainly concern personalities, scandals and feuds, it is only because such frivolities bulked largest in the parliamentary discussions of the period. Serious efforts towards administrative reform were fruitless, since they followed too faithfully on the lines already proved wrong.

In the parliament of 1381–82 Lancaster had made a " proffer " to wage war against France on his own account, provided that a certain advance was made to equip his forces. Disgusted at the cold reception of his scheme, he made efforts to gain his end through extra-parliamentary channels. A great council was summoned to bless the undertaking, and a council of merchants was asked to provide the necessary funds. It was all to no purpose, however, for the large sum needed could only be provided by parliament. Accordingly a fresh parliament assembled in May 1382, from which the new chancellor, Richard Scrope, asked £60,000 to equip the king adequately for his first personal campaign to recover his heritage of France. The merchants, who alone had funds at their disposal, declared they had lost so much by their

advances to Edward III. that they dared not take similar risks again. The result was that the commons would grant only a slight increase in customs duties, which they earmarked for the safeguarding of the seas. After a session of less than a fortnight, parliament was dismissed, and the summer of 1382 passed without any foreign expedition.

In a new parliament, which sat from October 6 to 24, 1382, another chancellor, bishop Braybrook of London, a promoted courtier, expounded two ways in which, he believed, effective action might be taken on the continent. Both had the merits of involving a crusade against the antipope and of requiring a minimum of expense. These were the "way of Flanders" and the "way of Portugal."[1] The Flemish way meant a crusade led by the hero of North Walsham, bishop Despenser of Norwich, and the way of Portugal meant the backing up of the attempts of Lancaster and Cambridge in the peninsula. Lancaster had reduced his terms, and was now willing to equip an army if £43,000 could be advanced. He found warm support among the lords, though they wisely suggested that a bigger army would be required.[2] The commons, however, preferred the way of Flanders, as the nearness of the battlefield would probably entail less cost. In the end no decision was reached, and parliament separated after a miserably small grant for the "defence of the realm." King and council were to decide how the money could best be applied, so that after all parliament saddled the executive with the responsibility, although the executive had already sought to make parliament bear the burden.

Naturally nothing effective was done. The return of Cambridge with the remnant of a mutinous army should have brought home to Lancaster that radical change in the political fortunes of the Spanish peninsula which had made his intervention hopeless.[3] A few weeks later the destruction of the Urbanist cause in Flanders at the battle of Roosebeke (November 27) condemned the bishop's crusade to failure before it was ready

[1] *Rot. Parl.* iii. 132-143.

[2] *Ib.* iii. 137, 140.

[3] The exact date of Cambridge's return is uncertain. Monk of Evesham (p. 42) dates it "circa finem Octobris," and Monk of Westminster (p. 14) "about Nov. 20." The commissions to try the mutineers were issued on Nov. 24; *C.P.R., 1381–85*, p. 256, and the Castilian transports had safe conduct to return home on Nov. 27; *Foedera*, iv. 156.

to start. Moreover, a third and sounder proposal was now mooted, probably by the courtiers. To wage war effectively, it was said, a great nation could hardly fight by deputy. If Flanders were the right field of action, let the king lead an army in person to the relief of the hard-pressed burghers of Ghent, who now almost alone upheld the cause of England and the true pope. This suggestion was made, early in January 1383, to a great council at Westminster, where a "great number of the most sufficient bachelors of the realm" had met along with the prelates and barons.[1] The history of 1382 was exactly repeated. The council decided that nothing could be done without parliament, and writs, setting forth the imminent peril of invasion after the French had conquered Flanders, brought together a parliament which sat from February 23 to March 10, 1383. Chancellor Braybrook impudently confused the proposals made in the great council with the acts of the last parliament, and demanded an adequate grant to equip a royal host. The commons answered that foreign expeditions concerned king and magnates, not themselves, and pointed out that the expiration of the truce with Scotland made it undesirable for the king or any of his uncles to quit the realm. This advice was made more unpalatable by a reiteration of the usual requests for the nomination of ministers by the lords and the declaration of their names in parliament, and for the appointment of certain lords to reside with the king so to reform his household that he might henceforth live within his means. Evasive answers were returned to the petitions, but it was agreed to accept the bishop of Norwich's "proffer" to serve for a year in France with 2500 men-at-arms and 2500 archers, on condition of his receiving the lay fifteenth already granted, and the appointment as the king's lieutenant of one of four magnates nominated by the bishop.

The official adoption of the bishop's crusade as a royal expedition was only arrived at after violent disputes. The lords were bitterly hostile to the crusade, and Lancaster withdrew in disgust from parliament. "And so the business of parliament remained to some extent unsettled."[2] But the "laudable

[1] Our authority is chancellor Braybrook's opening speech to the parliament of Feb.; *Rot. Parl.* iii. 144.

[2] Monk West. p. 18. The chroniclers here admirably supplement the official record in *Rot. Parl.*

persistence" of the knights of the shire wore down the baronial opposition, and showed sympathy with the crusading zeal of the clergy. The commons now rode roughshod over council and magnates by adopting a plan of campaign which politicians and soldiers had agreed in regarding as hopeless. Bishop Despenser showed his resentment of the attitude of barons and ministers by declining to accept the popular earl of Arundel as the king's lieutenant.[1] He took as his associates men of modest estate, chief among whom was the veteran warrior Sir Hugh Calveley.[2]

The bishop of Norwich crossed over to Calais in May 1383, but he arrived too late to be of any use. His knightly associates were timid and disloyal, and he was soon glad to make terms with the French and come home. Meanwhile, John of Gaunt, with his whole retinue, watched the Kentish coast on pretext of warding off invasion. Again there was talk of the king taking the field, but this time the proposal was vetoed by the council. The usual way out of the impasse was sought, and a new parliament sat from October 26 to November 26, 1383.[3] Bishop Despenser paid for his rashness by impeachment and the loss of his temporalities. But the politicians were still at variance. While a new chancellor, Sir Michael de la Pole, denounced the bishop for his unclerical conduct, the king offered Despenser secret encouragement and soon restored him his estates. The special feature of the parliament was the attack of the temporal lords on the crown.[4] Behind them was the influence of John of Gaunt, for a season bitterly hostile to his nephew.

In 1384 conditions remained substantially the same. To the strife between magnates and courtiers, the war party and the

[1] Monk West. pp. 19-20. The suggestions came from the Council "sed per eum responsum est quod noluit." Compare *Rot. Parl.* iii. 154.

[2] Walsingham, *Hist. Anglicana*, ii. 84-85; *Chron. Angliae*, pp. 355-356, is more colourless, but speaks of the "unheard-of powers" of the bishop of Norwich.

[3] *Rot. Parl.* iii. 149-165. One prelate, Thomas Arundel of Ely, was in London from Oct. 25 to Dec. 5. For this period are recorded the "expense familie sue remanentis apud Hatefeld post recessum domini usque parliamentum;" *E.A.* 400/28, clearly a household roll of the bishop, though not so listed in the *P.R.O. Lists and Indexes*, xxxv. 246. Bishops, like kings, left their household a few miles in the country when they attended parliament. Hence the eagerness which Arundel and other prelates showed for the possession of suburban manors.

[4] Monk West. pp. 25-27, supplements the official record, while remaining in substantial agreement with it. The accuracy of his dates is worthy of special attention.

peace party, was now added fierce dissension in the city of London, where the royal favourite, Sir Nicholas Brember, became mayor in place of John Northampton, who sought to maintain his position with the help of John of Gaunt. Under such conditions personal feuds, like the chronic hostility of Lancaster and Northumberland, had every opportunity of asserting themselves. It is impossible to sort out the sources of confusion, so involved were the parties and so interlaced with each other were the different struggles. Above all loomed John of Gaunt, self-seeking, changeable, and largely moved by his foreign ambitions. He now procured a short truce with France, and headed an unsuccessful invasion of Scotland. Before long, home politics forced him to leave the custody of the northern march to his rival, Northumberland, while he made his way to the spring parliament whose sessions were delayed until the end of the Scottish campaign.

Internal feuds came to a head in the parliament held between April 29 and May 27 at Salisbury. The meagre official account [1] studiously ignores the fierce debates and lawless deeds which gave this parliament a special notoriety. The baronial opposition was as strong as in the previous parliament, and its spokesman, the earl of Arundel, in the king's presence denounced the scandals of the administration in language so provocative that the angry Richard gave the earl the lie direct. An unedifying episode was ended by the intervention of Lancaster, who had still regard for the decencies of debate. His remedy for the future showed, however, how superficial was his interest in the constitutional cause. According to Lancaster, there was no need for the commons to trouble themselves about remedies for oppression and injustice. Only let every great lord take the responsibility of punishing the disorders of his own followers, and all would be well.[2] Thus the magnate who loudly proclaimed that he was, after the king, the greatest lord in the land, regarded England as

[1] *Rot. Parl.* iii. 166-174. The king's household was stationed at Clarendon, about two miles from Salisbury, from Apr. 30 to June 1; *E.A.* 401/2, mm. 25-27d.

[2] Monk West. p. 41: "quia quilibet dominus satis sufficiens et potens est suos ad se pertinentes pro talibus excessibus corrigere et punire . . ." But compare *Rot. Parl.* iii. 200, for the commons' petition of 1384 for a remedy against the abuses caused by judges and other ministers being in the retinue of magnates. A remedy was promised by statute.

a federation of feudal potentates, each powerful enough to keep his own retainers in order. His position, however, was one of splendid isolation. He could work as little with the magnates as with the courtiers, though for the moment his breach with the court seemed the more complete. His isolation not only made it difficult for him to work with the aristocratic leaders; it infuriated against him the hot-headed zealots, who by this time were the chief advisers of the young king. They strove to impress on Richard that his uncle of Spain was his chief enemy.

One day during the parliament, the king heard mass in the chamber of his friend the earl of Oxford. At its conclusion, John Latimer, the Irish friar who celebrated the office, craved permission to speak with the king. He persuaded Richard that the duke had formed a plot to compass his death. Bursting with fury, the king declared that his uncle must pay the penalty of treason, but John's repudiation of any traitorous design soon mitigated his wrath. The friar was thereupon committed to custody, pending the investigation of his charges. On his way to the castle, he was waylaid by a band of ruffians who tortured him to death with every refinement of cruelty. It was significant that some of John of Gaunt's followers should have joined with the worst elements of the court to perpetrate this brutal outrage.[1] The

[1] The most circumstantial account of this extraordinary episode, about which *Rot. Parl.* are completely silent, comes from Monk West. pp. 33-40. The high character of this chronicler makes for its general accuracy, and in outline he is confirmed by other writers, notably Monk of Evesham, pp. 49-52, and by the two St. Albans versions in *Chron. Angliae*, p. 359, and Walsingham, ii. 112-115. But the Westminster writer was clearly doubtful as to details, presenting alternate versions of some episodes and pointedly quoting Sir John Clanvowe, a knight of the king's chamber, as his source of information. He also gives a suggestive but difficult list of the knights concerned. At least two of them had Lancastrian connections. One was the king's brother, Sir John Holland, who headed the gang which took Latimer out of the official custody of Montague, the steward, and Burley, the vice-chamberlain. Holland was still friendly with Lancaster, perhaps through the influence of his mother, the princess of Wales. Later, he married Lancaster's daughter and accompanied him to Castile. Another, Sir Thomas Morieux, though knight of the chamber and keeper of the Tower of London, was the husband of the duke's bastard daughter, Blanche, and intimate with his father-in-law, who granted the pair the lordship of Fakenham. There is then some basis for *Chron. Angliae*, p. 359, suggesting " et quidem non armigeri, non valetti, non garciones, aut inferioris fortunae viri sed *ducis* milites haec fecerunt: ipsi judices, ipsi ministri, ipsi tortores exstiterunt." Walsingham, ii. 114, copying this out omits " ducis," and on p. 113 says that the source of trouble was that the king did not consult "pares regni," but "consuetos consiliarios suos," namely his chaplain, Nicholas Slake, and another clerk. On the other

result was the break up of the Salisbury parliament, whose only achievement was that the commons made their moderate grant conditional on the "estate of the clergy" making an equal contribution.[1] The ill-feeling between the king and his uncle continued for the next two years. It was only assuaged when Lancaster abandoned English politics to prosecute his long deferred expedition to Castile.

Additional causes of trouble arose during the summer of 1384. The excessive energy with which archbishop Courtenay visited the diocese of Exeter provoked bishop Brantingham to call in the aid of his brother bishops in resisting his encroachments. In London the factions, headed by Brember and Northampton, continued to rage, and court support secured for Brember his re-election as mayor. The court sought to silence Northampton by means not dissimilar to those which had done to death the Carmelite at Salisbury. Accused by his own clerk of treason, Northampton was condemned to death by the court of the king's steward, but, on the intervention of the chancellor, the sentence was changed to imprisonment.[2]

In the circumstances the autumn parliament, which sat from

---

hand, the majority of the gang consisted of knights of the king's household or chamber. Such were Sir Peter Courtenay, knight of the chamber, the archbishop's brother, and an opponent of the baronial party in earlier parliaments. According to Monk West., Courtenay and Sir William Elmham, one of the worst of bishop Despenser's mutinous followers, played exceptionally brutal parts in the catastrophe. Walsingham, however, transfers Courtenay's share to Sir Henry Green, apparently the son of the chief justice of Edward III. and father of the Henry Green, Richard's favourite after 1397. See later, iv. 11-14. Monk of Evesham, pp. 50-52, supplies the name and calling of the informer, "quidam frater Johannes Latemar, de ordine Carmelitarum, bacularius in theologia," and makes "alii communes civitatis Londoniarum et diversarum aliarum villarum per Angliam" accomplices with the duke. He makes Latimer's story break down hopelessly, and declares "quod dominus rex nescivit de tormentis illis quae patiebatur." There is no evidence for making the earl of Oxford the instigator of the whole business, as Mr. Armitage Smith does (*John of Gaunt*, pp. 283, 286), though there is no improbability in it. Even now the followers of the king and of the duke must not be too sharply differentiated. It looks as if both combined to hush up the scandal. Holland directed the abduction of the informer from the custody of the steward and chamberlain, but these two, according to Monk West., stood by during the torture. The king's knights, Lancaster's followers, and the knights of parliament, all took part in some of the subsequent inquiries. The king's household was not a united family.

[1] *Rot. Parl.* iii. 168: "l'estat de clergie."

[2] Walsingham, ii. 116; "Et interim ministri regis, velut Harpyiae, bonis illius incubabant." For this unfaithful clerk, Thomas Usk, see later, p. 434.

November 14 to December 14, was as fruitless as its predecessors.[1] The chancellor harangued the estates like a school-master. They were to attend regularly and early, to put aside private quarrels, to discuss matters of importance only, and to settle each question separately. Again the commons were assured that Richard was anxious to take the field against the French, but they showed their distrust by withholding the collection of half their moderate grant until the " first campaign of the king " really materialised.[2] An attack on the earl of Oxford by one of the London representatives in parliament was parried by his imprisonment for bringing a baseless charge against " a peer of the realm and the king's chamberlain." John of Gaunt was suspected to be at the back of this attack, but he was again absorbed in his old feud against Northumberland, to whose negligence he ascribed the capture of Berwick castle by the Scots. These quarrels between the magnates deprived the commons of that leadership without which they were powerless for effective action.[3] The feuds of the lords gave the court party every opportunity to entrench itself firmly in power.

In 1385 the enmity between John of Gaunt and the courtiers came to a head. The duke withdrew in anger from the council chamber because the courtiers outvoted his proposal for a royal expedition to France. He gave out that the courtiers had plotted to take his life, and that he owed his preservation only to his sudden flight. When next he approached his sovereign, he came clothed in armour and with an armed following. However, he soon retired to his castles in sulky isolation, declining to attend future councils. The times were so changed that even archbishop Courtenay pleaded with the king on behalf of his old enemy, but Richard threatened the archbishop with his sword, and thus had on his hands a feud with the primate. Meanwhile, the French

[1] *Rot. Parl.* iii. 184-202, a formal official record. Compare Walsingham ii. 117: " In quo prout jam a multis consuevit temporibus nihil dignum memoria fuit actum."

[2] Monk West. p. 52 : " eo pacto quod dominus rex manu robusta transiret in Franciam anno sequenti, alias non haberet nisi medietatem omnium concessorum." *Rot. Parl.* iii. 185 confirms this. To Walsingham the subsidy was " extortio . . . ad sustentacionem inutilis werrae regis."

[3] Monk West. p. 52 : " In isto vero parliamento pro commodo regni nihil utile fuit actum, quia domini temporales, quibus competit loqui pro statu et commodo regni, adinvicem adversantes, semper eo tempore discordes fuere, ac eo finito in discordia recesserunt."

had conquered all Flanders where king Charles' uncle, Philip the Bold, had now succeeded to the county. A French army, collected at Sluys, threatened England with invasion, and the admiral of France went to Scotland to stiffen up Scottish hostility.

Fear of the Scots did something to bring English factions together, and it was resolved that the first campaign of Richard should be against them. The court moved to York and troops were collected at Berwick. A deplorable scandal at York showed that the courtiers were still not in harmony among themselves. The unruly passions of John Holland had already brought about the tragedy of Salisbury. A dispute between his retinue and that of the earl of Stafford resulted in the murder of Stafford's eldest son by the king's half-brother. The victim was a knight of the queen and an intimate of the king. It perhaps made for peace that Richard lost all patience with Holland, who took sanctuary to escape arrest. This trouble postponed the Scottish invasion until August, and embittered the last days of the princess of Wales. Her death on August 8, 1385, at Wallingford, removed a strong influence for peace.

The Scots campaign of 1385 was not a success. But the co-operation against the enemy of courtiers and magnates of every faction indicated the persistence of more public spirit than recent events had suggested.[1] This was emphasised and fostered by a lavish creation of new duchies and earldoms which also ignored party feeling. The Scots retreated beyond the Forth, and Lancaster urged Richard to follow them up into the northern wilderness. This unwelcome advice led to a fresh quarrel, and brought back the formidable array to Berwick within ten days of its crossing the border.

More important than the Scottish campaign was the news that Portugal had thrown off Castilian domination and had recovered her independence by the victory of Aljubarota. The "way of Portugal" was thus again open. John of Gaunt was henceforth indifferent to English politics, except in so far as they helped him to draw men and money from England for a new crusade against Castile. The only parliament of 1385 sat at

[1] See for details of the brigading of the troops, Armitage Smith, *John of Gaunt*, pp. 294-297 and 437-439. Notorious enemies were combined in the same units, apparently deliberately. Lancaster's contingents were almost a third of the formidable force of 4590 men-at-arms and 9144 archers.

Westminster from October 20 to December 6, and formally accepted "the voyage of the king of Castile to Spain" as a national undertaking, supported by national taxation.[1] The commons insisted that the grant was to be devoted entirely to war, and was to be paid to three receivers, controlled by two magnate supervisors.[2] Generals and admirals were to be declared to the commons and entered on the rolls of parliament. Yet in delegating to the council the location of the English staple, parliament showed some distrust of itself.[3]

Lancaster, having got what he wanted, was again on cordial terms with the king. His support may have emboldened Richard to reject the more daring demands of the commons.[4] To their request for the names of his ministers and commanders and for a review of his household, he replied that his present servants

[1] *Rot. Parl.* iii. 204. I quote from Armitage Smith, pp. 298-299, an emphatic statement to that effect which does not occur in the parliament roll: "Et sciendum quod viagium dicti regis Castelle in Ispanniam concordatum fuit et concessum per dominum regem, prelatos, proceres, magnates et communitates predictos in pleno parliamento." The Westminster chronicler, pp. 69-73, is accurate and informing as to this parliament. *Cont. Eulog. Hist.* iii. 360-361 is a mass of gross errors, including the imagined recognition of the earl of March as heir to the throne.

[2] The receivers were William Gunthorp, a sometime keeper of the wardrobe and treasurer of Calais under Edward III., and secondary baron of the exchequer since 1373, and two London aldermen, John Hadley and Nicholas Exton, both members for the city. Hadley was a supporter of Brember and the court party. The two supervisors were bishop Brantingham of Exeter (see above, pp. 261-262), and John Cobham (see above, p. 327). Both were inclined to the constitutional tradition, and Cobham had been a member of the standing council of 1377. *C.F.R.* ix. 135 gives a writ of Jan. 30, 1386, which shows that Gunthorp, an elderly man who retired from the exchequer on Nov. 2, 1387 (*C.P.R., 1385–89*, p. 361), did not act. This writ is of importance as illustrating the elaborate way in which the exceptional machinery for the collection and disbursement of the war grant was dove-tailed into the exchequer system. Hadley and Exton were to certify the receipt weekly as to their receipts and expenses from this source, that they might be entered in the receipt and issue rolls. Each collector was authorised to deduct £20 from the receipts for his labour. The writ is warranted "by king and council in parliament." Yet it is dated nearly two months after the session ended, and in respect of Gunthorp does not carry out the wish of parliament.

[3] *Rot. Parl.* iii. 204. The parliament resolved to have the staple in England, but was doubtful "in quibus erit locis et quando incipiet." These were to be ordered later by the council "auctoritate parliamenti." "Et quod id quod per dictum consilium fuerit ordinatum virtutem parliamenti habeat pariter et vigorem."

[4] *Ib.* iii. 210-214. Richard agreed to the commons' request to know "what lords shall be ordained for the council." But the mutilated list on p. 214 only contains the names of Wykeham and Brantingham, and it is doubtful whether the concession meant anything.

satisfied him and that he would only change them when he pleased. The better feeling was strengthened by lavish feasting, and was given practical expression in the ratification in parliament of the titles conferred during the Scottish campaign. Edmund of Langley and Thomas of Woodstock took their seats as dukes of York and Gloucester, and received grants of land to support their new dignity. But the king's friends were also advanced. The Ufford earldom of Suffolk was revived in favour of Michael de la Pole, who passed at one leap from the status of banneret to the higher rank of the ancient peerage. Still more signal honour was done to the earl of Oxford, who, in full parliament, was made marquis of Dublin for life. Thereupon he "took his seat with a cheerful countenance, among the peers of parliament in a higher place between the dukes and the earls."[1] Thus there was introduced with this "strange name," a new grade of title between the duke and the earl. Along with the "name of marquis" went the grant of all royal lands, jurisdictions and authority in Ireland, in terms which implied the creation of a vast palatinate, nothing being reserved to the crown save homage and superiority. After two years, when he had conquered Ireland, the new marquis was to contribute 5000 marks a year to the English exchequer.[2] The best of the chronicles tells us that the promising beginning of this parliament was belied by its ending.[3]

All schemes of foreign conquest were thrown aside in favour of Lancaster's crusade to Spain. In July 1386 the duke sailed southwards, accompanied by a considerable force of pious adventurers. Leaving Henry of Derby to act as regent of his English palatinate, John took the rest of his family with him. Among them was included John Holland, at last forgiven for the York murder and recently married in scandalous circumstances to one of the duke's daughters. He was constable of the crusading host, of which Sir Thomas Morieux, another of John's sons-in-law and Holland's accomplice in the Salisbury outrage, was marshal. The spirit of reconciliation was shown by Thomas Percy being made admiral of the fleet, and by the inclusion in the host of Northumberland's younger son.

[1] Monk West. p. 72: "Marchio enim est major comite et minor duce."

[2] *Rot. Parl.* iii. 209.

[3] Monk West. p. 73: "In cujus principio multa pro bono communi mota fuerunt sed ejus finis non correspondebat suo initio."

For more than four years John of Gaunt remained absent from England. The most important result of that was the simplification of English politics. That he took with him some of the most unruly elements in the court was a small matter. The great point was that his removal to Spain freed England of the standing incubus of an arrogant and self-seeking personality, whose private ambitions cut across all the ordinary lines of English parties. The political outlook became clearer. The courtiers became a more coherent band, with the king, now a grown man in his twentieth year, at their head. The aristocratic opposition had an easier task now that the duke was no longer able to give and withhold support at his caprice. It reformed its ranks under the king's uncle and cousin, Thomas of Woodstock and Henry of Derby, and soon found definite objects to work for, namely, the overthrow of the courtiers and the subjection of the king to the control of his hereditary advisers. With foreign policy fallen back to a secondary position and the Lollard movement stayed, domestic politics assumed an unquestioned prominence. Before we can follow this departure, we must go back to the ministerial history since the Peasants' Revolt, and trace the development of the new court party.

The ministerial history between 1381 and 1386 was still influenced by the old conflict between parliament and the court as to what type of official should be selected. The increasing weakness of parliament made ineffective its claims to control appointments. On the other hand, the court party was gaining solidarity and daring, so that, without open resistance to parliamentary pressure, it was generally able to secure the great offices of state for men of its own. So long as the conflicting claims of court and country made themselves felt, there were frequent ministerial changes. The establishment of the courtiers in a strong position generally meant greater measure of permanence for the king's ministers. This was most conspicuous in the household appointments, concerning which there was an increasing reluctance to stand in the way of the young king's natural wishes. Richard's attainment of his desire was the more important since, with his advent to manhood, there was a strongly marked tendency to give increasing responsibility to household officers in the conduct of political affairs. The secular household officers,

notably the steward and the chamberlain, more and more concerned themselves with affairs of state, and if the household clerks remained in the background, that was due to their personal insignificance and closer absorption in routine. This was compensated for by the secret influence within the household of clerks, who exercised the more power since they were seldom called upon to fill the conspicuous posts. The king's secretary was, as we shall see, an outstanding exception to this rule.

The three great offices of state yielded gradually to these tendencies. The first to succumb was the treasurership, to which, as we have seen, Sir Hugh Segrave was promoted, on August 10, 1381, as the reward of faithful service in the household, not only of the king, but of queen Philippa and of the Black Prince. His continuance as treasurer from August 10, 1381, to January 17, 1386,[1] shows that he was a complaisant and competent official. The absence of complaint against him only suggests his personal colourlessness, for he was undoubtedly a good courtier-bred politician. He was perhaps never in the inner circle of counsellors, but neither was he one of the king's critics. He received only small rewards for his services, and never had a personal writ of summons to parliament. His removal from office would seem to have been due to age and declining health, for he died within a year of his retirement.[2] An abler successor to him was found in John Fordham, bishop of Durham, the sometime keeper of the privy seal, who had also, like Segrave, risen from the Black Prince's household. Fordham never deviated from the court policy except when defending the interests of his see. His appointment strengthened the courtier element in the high posts of state, but he came late into office and was soon destined to fall a victim to aristocratic reaction.[3] Thus the treasurership, the first office to be stabilised, fell in succession to two followers of the Black Prince.

The keepers of the privy seal were still bound more closely to the court than were the treasurers. Fordham himself remained at the former office until December 12, 1381, and atoned for his connection with the household by having his house in the Strand

[1] *C.P.R., 1385–89*, p. 91.

[2] He was dead before Mar. 23, 1387; *C.P.R., 1385–89*, p. 292.

[3] Fordham was appointed treasurer on Jan. 17, 1386, and was superseded on Oct. 24; *ib.* pp. 91, 232. For his removal see later, p. 436.

looted by the rioters, though he failed to be at Richard's side in the supreme crises at Tower Hill and Mile End. Appointed bishop of Durham by papal bull in September 1381, he resigned the privy seal on the eve of his consecration, and was succeeded by William Dighton, the first clerk of the office appointed to its headship since Winwick.[1]

Dighton was, however, only a stop-gap, and on August 8, 1382, he gave place to Walter Skirlaw, doctor of canon law, one of the numerous East Riding and Lindsey clerks who had started in the household of archbishop Thoresby and afterwards rose to a great position in the state. Archdeacon of the East Riding since 1360, and for a time on bad terms with the king for some infringement of the anti-papal statutes, Skirlaw gained much experience in the ecclesiastical courts and at Avignon, and was ultimately retained by Edward III. for the diplomatic side of his chancery.[2] Even in his new office, Skirlaw was still often away on foreign missions, but he was at hand to pronounce an eloquent eulogy on the new dignitaries of 1385, and was so well thought of by the pope that he received the bishoprics of Lichfield and Wells in rapid succession. Though the latter promotion put aside the claims of Richard's favourite clerk and secretary, Richard Medford, the king remained friendly with Skirlaw and kept him at the privy seal until he fell with Suffolk in 1386. Thus the privy seal was held all through these years by royalist partisans.

In the wardrobe an insignificant clerical controller was superseded by Baldwin Raddington, a knight who, though prudent enough to retain office in 1386, was a friend and partisan of Burley's party.[3] Neither the wardrobe clerks nor the clerks of the chamber shared in the confidence which Richard grudgingly yielded to official merit. His trust was rather given to clerks who seldom held official rank unless as his secretaries. On the other hand, John Montague,[4] steward from 1381 to early in 1386, was

[1] He had been a clerk in the office since 1356.

[2] He was already "king's clerk staying in the chancery" on Mar. 6, 1377 (*C.P.R., 1374–77*, p. 438), and dean of St. Martin's le Grand in 1379; *ib., 1377–81*, p. 371. He is not generally spoken of as a clerk of chancery and had little or no share in the routine work, but was extensively employed in foreign negotiations.

[3] For the details of Raddington's career, see later, iv. 196-199.

[4] Not this Montague, who died in 1390, but his son, was the reputed Lollard knight. See for this, Prof. Waugh's "Lollard Knights" in *S.H.R.* xi. 73-75; and later, p. 425, n. 1. See also for Montague later, iv. 203-204.

high in his favour and only relinquished office by reason of growing years. Montague was an old man, who had fought at Crécy, but he was still a hardworking official, indefatigable on commissions, and active in prosecuting an interminable lawsuit against his brother, the earl of Salisbury. He was eager to extend the jurisdiction of the steward's court, and when the two chief justices were afraid to try John Northampton as mayor of London, Montague's court secured his condemnation.[1] We hear little of his political activity as steward, and it was probably less conspicuous than that of Sir John Beauchamp of Holt, his successor, a strong curialist, whose fate we shall soon have to chronicle.[2] Sir Simon Burley, the power behind the throne, continued to act as sub-chamberlain until the second catastrophe, in 1388.

Only in the chancery had the king's partisans any difficulty in establishing themselves. We have seen how bishop Courtenay's appointment, in August 1381, was a triumph of the opposition; but even the glamour of the primacy could not maintain Courtenay long as chancellor. Disliked by the court and by John of Gaunt, his unpopularity with the commons of 1382 gave the crown an excuse for getting rid of him. His successor, Sir Richard Scrope, pleased both the commons and his old master, John of Gaunt, but Scrope soon fell out with the crown by refusing to seal the lavish grants of the young king. In July 1382 the seal was taken from him, in a manner which he so much resented that he told Richard that he would never again hold office under him.[3] His position was the weaker since he was still of the "retinue" of John of Gaunt, while the nobles questioned his gentility as a "man of law," and the consolidation of his power as a Yorkshire magnate divided his attention with administrative routine. Yet barons and commons agreed in deploring his dismissal.

Scrope resigned the seal on July 11, 1382, and thence until September it was kept by a commission, the members of which, with the exception of John Waltham, keeper of the chancery rolls, were all courtiers. The other commissioners were Segrave,

[1] Monk West. pp. 47-48. This was in 1383.

[2] See for Beauchamp later, iv. 204.

[3] Walsingham, ii. 69-70. "Officiarium tamen se futurum sub illo in posterum denegavit."

the treasurer, Dighton and, after him, Skirlaw, keepers of the privy seal.[1] After two months Richard found a new chancellor in bishop Braybrook of London, his kinsman on his mother's side, who had recently been his secretary, and as such had taken part in the negotiations for his marriage.[2] The new chancellor pushed his complaisance so far as deliberately to deceive the parliament of October 1382 by claiming as acts of parliament what were in reality conclusions of a great council of nobles.[3] But he soon found his position intolerable, and petitioned so urgently for his release that he was allowed to resign on March 10, 1383.[4]

This time there was no delay and, on March 14, Sir Michael de la Pole publicly sat as chancellor in Westminster Hall. His appointment and his three years of office meant the final capture by the court of the last of the offices of state. Yet there was nothing in the new chancellor's early history which suggested any special complaisance to the throne. He had behind him nearly thirty years of honourable service, especially in the French wars, when he was attached in succession to the retinues of the Black Prince and of John of Gaunt.[5] Moreover, as admiral of the northern fleet he had done good work in the early years of the

[1] *Foedera*, iv. 150. Their power was strictly circumscribed. See *C.C.R., 1381–85*, p. 214, the signet letter ordering them to revoke the rash patent appointing John Scrope, a chancery clerk, to a living, and directing the enrolment of the letter that no keeper might henceforth present to a living when there was no chancellor. The patent remained unrevoked for all that; *C.P.R., 1381–85*, p. 158.

[2] See above, pp. 330, 358 and 382.

[3] See above, p. 389.

[4] *Foedera*, iv. 162-163. The seal then was given to almost the same keepers employed during the last vacancy, namely, Waltham, keeper of the chancery rolls; Segrave, the treasurer; Montague, the steward; and Skirlaw, keeper of the privy seal. On Mar. 12 Waltham was ordered under the signet to open the seal to seal the expenses writs of the knights and burgesses and for no other purpose. This he did on Mar. 13, and immediately afterwards Pole received the seal and took his oaths, and next day entered upon his duties.

[5] For details of Pole's early career, see my article on him in the *D.N.B.* and the proof brought forward by Mr. Armitage Smith, that both Pole and Scrope had been retainers of John of Gaunt, though Pole's connection with him was shorter than Scrope's (see *John of Gaunt*, pp. 228, 282). I agree with Mr. Armitage Smith that Pole was not, as Stubbs thought, a "powerful enemy to Lancastrian influence." But the documents printed in *John of Gaunt's Register*, ii. 99, 183, only show Pole as John's "tres ame banrette" in 1372. We must not regard this and numerous other cases of double or treble allegiance as involving a binding or an exclusive tie. Nor must we fail to recognise the shifting character of party during this period. *John of Gaunt's Register* describes Pole not only as banneret, but also as baron and bachelor; *ib.* ii. 47, 183.

new reign.[1] A knight since 1355,[2] summoned to parliament since 1366,[3] he had taken little part in politics until his appointment, after the rising, to act jointly with the earl of Arundel in presiding in the household and giving the king counsel and direction.[4] His hereditary association with Hull and commerce exposed him to the malevolent suggestion of the St. Albans chronicler, that he showed greater aptitude for commerce than for arms.[5] He increased a great inherited position by his marriage with a Suffolk heiress. His mansions at Hull and London, his castellated manor at Wingfield, and his foundation of the Hull Charterhouse showed his magnificence, his liberality and his piety. Even slander never brought against him the personal charges liberally bespattered over the other friends of the king. Though he intervened once or twice in the Good Parliament in favour of accused courtiers,[6] there is little or nothing in his history up to 1383 to show marked leaning to court policy. Indeed, his appointment with Arundel as joint counsellor and governor of the king resident in the household in 1381 suggests sympathy with the opposition point of view. In short, his general attitude seems to have been substantially the same as that of his brother-in-law, Sir Richard Scrope, with whom his relations always remained close. If he had any bias it was, like Scrope's, in favour of John of Gaunt. While office had taught Scrope to despair of the king and throw his weight, after his resignation, on to the baronial side, place had on Pole the contrary effect of convincing him of the hopelessness of the lords of the opposition, so that disgust drove him to champion the prerogative. Thus it was that, after 1383, he completed the phalanx of courtier officers of state. He was the only partisan of the court who had conspicuous knowledge of statecraft; but he was soon swept away by the unworthy elements and became marked out as a royalist leader for the malice of contemporaries

[1] *C.C.R., 1374–77*, p. 467. He was summoned as such to the parliament of Hilarytide, 1377.

[2] *Ib., 1354–60*, p. 196.

[3] *Complete Peerage*, iii. 43.

[4] See above, p. 382.

[5] *Chron. Angliae*, p. 367. "Vir plus aptus mercimoniis quam militiae"; "hic plus trapezitis in pace consenuerat quam armatis in bello." This is repeated in Walsingham, ii. 146; "a pueritia magis mercimoniis, utpote mercator mercatoris filius, quam militia occupatus."

[6] *Rot. Parl.* ii. 327, 329. I have made too much of this in my article on Pole in the *D.N.B.*

and the neglect of posterity. Yet he never was in any despicable sense a favourite or tool of Richard.

The personal favour of the young king went to younger and more frivolous men. Of Richard's intimate advisers only one approached Pole in gravity and age, and he was the vice-chamberlain, Sir Simon Burley. Burley's position in the chamber did not bring him before the public eye, and the chronicler who makes him a prime cause of the Kentish rising in 1381 only knew of him vaguely as one of the king's knights.[1] His unbroken attachment to the king from Richard's childhood had given this fierce, capable, rough and unscrupulous personality a strong hold over his pupil. The grant of a house attached to the great wardrobe and of the custody of Windsor Castle showed the king's desire to provide for him with dignity.[2] Burley's power increased after Richard's marriage, for queen Anne, grateful to the minister who had brought her to England, fell also under his influence, and supported him the more because he encouraged her to retain in her household the Bohemian friends of her early years.[3] We may feel pretty sure that it was Burley's intelligence which developed the chamber into a special preserve of the court party, so that the chamber knights and squires could always be trusted to further the wishes of the sovereign. There was no effort to make it an organised instrument of prerogative: it was rather the office which held the reserve of workers for the king's cause, who, as individuals, did what in them lay to carry out their master's wishes. Among these may be specially mentioned such chamber knights as Sir John Beauchamp of Holt, Sir James Berners, Sir John Salisbury and Sir Richard Abberbury,[4] who shared, in 1388, in the general condemnation of the curialists.

Not less conspicuous were Richard's favourite clerks, under whom the secretary's office was so organised that it became the special instrument of prerogative, with its seal, the king's signet, sparingly used before as an alternative to the privy seal, but after 1383 much more constantly employed as the vehicle of the personal

[1] See above, pp. 367-368.

[2] *Enr. Ac.* (*W. and H.*) 5/1, shows that he held this house from Easter 1378 to May 1, 1380; he was appointed constable of Windsor and other royal possessions on Aug. 10, 1377 (*C.P.R.*, *1377–81*, p. 21), and this grant was renewed for life on May 8, 1384; *ib.*, *1381–85*, p. 399.

[3] Monk West. p. 80.

[4] See for these and other chamber knights below, iv. 341-342.

wishes of the crown. For this reason the signet seal incurred the same condemnation of the estates as the secret seal, or the privy seal, in earlier generations.[1] By that time the signet, like the secret seal, had ceased to be the seal kept in the chamber, but was controlled by a new signet office which, with the official secretary himself, was a novelty of this reign and soon developed into a new secretariat for the personal will of the sovereign. The effect of the signet going out of the chamber may well have been to make any special development of chamber organisation unnecessary. Anyhow the chamber was no longer the court secretariat. The clerks of the chamber were up to this time as inconspicuous as the clerical element of the household generally, and only two clerical officials particularly offended the critics of the court, namely Richard's confessor, bishop Rushook,[2] and his favourite chaplain, Nicholas Slake.

Knights and clerks might be instruments of the royal caprice, but they could hardly be the companions and intimates of the young king. Yet there were few young men of high rank to whom Richard could easily give his confidence. The companions of his youth—Henry of Derby and the young Fitzalan—were soon estranged from him by politics. His uncles were too old and too self-centred. His half-brothers, the Hollands, were considerably his seniors, and their violent character involved them in offences which even Richard and their mother could not easily forgive. Queen Anne, a girl some months older than her husband, was beginning to make her power felt; but she was a foreigner, and her Bohemian following, male and female, was not popular. Richard's loneliness required some friend nearly his own age and sufficiently high in rank to associate with him on terms of equality. Such a friend was found in Robert Vere, five years the king's senior, and heir to the earldom of Oxford.

[1] The bishopric of London and high office quenched the curialistic zeal of Robert Braybrook, the first known holder of the office of king's secretary. Another favourite clerk, John Bacon, served in several capacities before and during his term of office as king's secretary. He died in 1385 at Genoa, on his way on an official journey to Rome (Monk West. p. 72), and on Nov. 27 and subsequently Richard held a series of special services in his memory at Westminster Abbey, and attended them all personally. For Richard Medford, who followed Bacon, see later, pp. 429, 434, 457; and for the secretary and the signet see vol. v. ch. xvii. § IV.

[2] For Rushook's earlier career see above, p. 381, n. 1.

Vere had been one of the young nobles knighted by Edward III. on that last St. George's day of his life, when the heir to the throne was admitted to the Garter. At Richard's accession he was still a minor in the king's custody. Two of the veterans of the household, Aubrey Vere and Simon Burley, did their best to bring him to Richard's notice. The house of Vere had had its credit heightened by the recognition lately bestowed by Edward III. on Robert's father's claims to the hereditary chamberlainship.[1] The result had been that the hereditary chamberlain became something more than a titular dignitary, though his exalted position required a permanent vice-chamberlain to perform much of the routine work of the office. Earl Thomas's death, when Robert was a boy of nine, left the senior position unoccupied, but Robert's claim to the chamberlainship was admitted before Richard's coronation, at which Robert, then seventeen, was allowed to perform his duties in person.

For ordinary work, however, various court nobles acted as Vere's deputy until 1382, Sir Aubrey Vere, Robert's uncle, being among those who often acted for him. Aubrey, like Simon Burley, was an elderly man who had been a trusted retainer of the Black Prince. They had in common a long career of service abroad and a lifelong obligation to their patron's son, an obligation the more keenly felt since its discharge opened up for them the way to distinction. Anyhow, the deputy of the hereditary chamberlain and the sometime acting chamberlain of the young king had each a definite motive in exalting the chamberlain's office, and could secure this end by making the hereditary chamberlain the chief friend of the king. Richard yielded at once to the charms of the young earl. He completed Robert's marriage with Philippa, a granddaughter of Edward III.,[2] and procured for the young pair a large share of the English lands of her father, Enguerrand de Coucy, who had renounced his English earldom to resume his French inheritance and nationality. Henceforth Robert was called the "king's kinsman," and before long the king and he were inseparable. Favours were gradually

[1] See above, p. 235; and below, iv. 338.

[2] *C.P.R., 1377–81*, p. 260, shows that the marriage was effected before June 30, 1378, but it had been settled in 1376 under Edward III.; *ib., 1374–77*, p. 368.

heaped upon him. In 1380, though still styled simply "son and heir of the earl of Oxford," the grant to him from his father's lands was increased, as he was "almost of full age and about to sail beyond seas in the king's service." [1] At last, in January 1382, he entered upon his inheritance, receiving a confirmation of the famous grant of Henry I. which gave the house of Oxford the grand chamberlainship.[2]

Earl Robert's personality is little illustrated by the chroniclers. Too much stress must not be laid on the usual charges of gross immorality which were the common lot of royal favourites; but the impression left of him is primarily not so much of vice as of incompetence and folly, which never allowed him to take advantage of his splendid opportunities. His military failures showed that he was no soldier; his whole career suggests lack of definite policy. When his great chance came in Ireland he made no attempt to grasp it, and he succumbed to opposition after barely making a fight. Any ideas underlying the royal policy must be ascribed to Pole or Burley or to the young king himself. Robert Vere was never more than a favourite, whose long descent and dignified status did not prevent his incurring the odium which the name "favourite" never failed to inspire.

By 1383 the new court party had been constituted and had begun to show its hand. It was then that the stress laid on the chamberlainship and the development of the signet was clearly shown in the records. For a time the usual chancery warrant of the privy seal was almost superseded by the signet letter, the chancellor making it obligatory for the chancery clerks to accept the new instrument as a sufficient authority for issuing a writ. If there were any other plans envisaged, they may well have centred round the great position Richard designed for Vere in Ireland. Always immensely attached to his heritage

[1] *C.C.R., 1377–81*, p. 402.

[2] *C.P.R., 1381–85*, p. 65. See for the original charter above, i. 90, where I have over-emphasised the arguments for this being a forgery. This confirmation of Jan. 10, 1382, disproves my suggestion of the Vere charters only being known in seventeenth-century transcripts. There is also a still earlier reference to this charter in *Rot. Parl.* ii. 397, though this may be suspect as an allegation of John Vere, earl of Oxford. Dr. Round and Prof. Stenton are quite content to believe in the authenticity of the charter, so that I can hardly venture to set up an opinion against such experts. Yet one cannot but feel uncomfortable when compelled to work from late transcripts only.

of Wales, Cornwall and Chester, Richard seems to have contemplated the supplementing of his own appanage by the formation of a corresponding one for his friend. Ireland had been more than ever the special care of the Mortimers since they had become the heirs of Lionel of Antwerp. On the death of earl Edmund of March in 1381, the heir to the Mortimer estates was a young boy, Roger. If, as was generally suspected, Richard intended this boy to succeed him to the throne, it was well that his Irish interests should be put into the care of some one whom the king trusted. Hence the creation of Vere as successively marquis of Dublin and duke of Ireland, with palatine rights so extensive that homage alone subjected him to the crown. This seemed impolitic enough from the king's point of view, but Edward III. had been equally impolitic in establishing his three elder sons in positions analogous, if less splendid. With the duchy of Lancaster in existence, it was perhaps prudent to erect a counterpoise to it in safe hands. Yet, such a creation was a certain way of making the aristocracy forget its feuds and combine once more in that single phalanx which the strongest of kings had always found irresistible.

There had long been strong parliamentary criticism of the administration. But the condition of parliamentary success was still effective leadership by the magnates, and we have seen how often aristocratic divisions had made such leadership impossible. Now the old grievances were reinforced by new ones. Pole and the courtiers gradually became advocates of a peace policy, since war meant such taxation as the nation would not pay, and such vigour as was beyond the power of the king and his court, "more knights of Venus than of Bellona." [1] Yet the court peace policy was unpopular, and the nobles had still a parliamentary backing when urging new expeditions against the French, parliament always foolishly assuming that these expeditions could be made to pay their own way.

The monopoly of power by the courtiers once more united the aristocracy. This union gave new strength to the opposition in parliament. Pole in particular was singled out for attack. In

[1] Walsingham, ii. 156. "Et hii nimirum milites plures erant Veneris quam Bellonae, plus valentes in thalamo quam in campo, plus lingua quam lancea praemuniti, ad dicendum vigiles, ad faciendum acta martia somnolenti."

the parliament of 1384 a London fishmonger accused him of receiving bribes. Though the charge utterly broke down, it left a sting behind it.[1] The balancing policy of former years prevailed until the end of 1385, and its last great achievement was the creation of new dignities in parliament, the elevation of the king's uncles to duchies being a sort of set-off to the earldom given to Pole and the marquisate given to Oxford. But the chief actors in this famous ceremony soon went their respective ways. If the new duke of York were too lazy and indifferent to take up a strong line, the new duke of Gloucester soon formed the pivot round which the opposition could rally.

Thomas of Woodstock, now thirty years of age, had made some reputation when, in 1380, he led an army through the heart of northern France. He had generally attached himself in home politics to John of Gaunt, but on the latter's withdrawal to Spain, he began at once to play the part of Thomas of Lancaster with a complete detachment from the external interests which had made John so sorry a representative of the Lancastrian tradition. He drew in his wake his nephew, Henry of Derby, the tie between them being the stronger because they were brothers-in-law, and eager to share the Bohun inheritance of their wives. Some injudicious grants to the marquis of Dublin of lands, which the Bohun claimants coveted, sharpened their hostility to the favourite. Though Henry of Derby was, like the king, not yet of full age, he was deep in his uncle's counsels, and, as his father's lieutenant, now spoke for the whole of the Lancaster interest. These two potentates, standing so near the throne, were closely allied with their kinsman, earl Richard of Arundel, who, since the Good Parliament, had been the protagonist of the aristocratic party. The king's ungovernable temper had already brought him into personal conflict with both his uncle and with Arundel. There was, therefore, the tinge of bitterness which made antagonism welcome to them. With Arundel went his younger brother, Thomas Fitzalan, bishop of Ely. If archbishop Courtenay were now formally reconciled to the king after their recent quarrel, his traditions were all in favour of the baronial party. Older bishops, like Brantingham and Wykeham, leant to the same side, though, with the exception of the bishop

[1] *Rot. Parl.* iii. 168-170.

of Ely, they refrained from excessive exhibitions of partisanship.

Two other earls were soon attracted to the opposition. These were Thomas Beauchamp, earl of Warwick, and Thomas Mowbray, earl of Nottingham. Of these, Warwick was an experienced soldier, whose martial career went back to the French campaigns of John of Gaunt, and whose political record, since the Good Parliament, had been as consistent as that of Arundel. His personal dealings with Richard as his "governor" had perhaps convinced him that nothing was to be expected of his pupil, though Warwick's sluggish temperament made him slow in taking the lead in opposition. The earl of Nottingham was a young man of the king's own age, to whom the unexpected death of his elder brother, in 1383, transferred the earldom created at the time of Richard's coronation. Nottingham thus became the representative of several great inheritances; and there was, besides, the prospect of his receiving the reversion of the Bigod interest on the death of his old grandmother, Margaret of Norfolk, the daughter and heiress of Thomas of Brotherton. He was much in the society of the king,[1] who now revived the earl marshalship in his favour. He was, it was believed, driven into opposition by Robert Vere's jealousy of him as a possible rival. Moreover, his marriage with a sister of Arundel brought him under the influence of his irreconcilable brother-in-law.

From these elements arose the new opposition. Though it was not until 1388 that the five became avowed confederates as the Lords Appellant, the party was essentially in being so early as 1386. Thus, within a limited group of five magnates, all, except Warwick, closely akin to the royal house, were concentrated the inheritance, the traditions and the mentality of half the great baronial houses of the thirteenth and fourteenth centuries. We are again in the atmosphere of the early years of Edward II., and as Thomas of Lancaster stood to the lords ordainers, so was Thomas of Woodstock to stand to the opposition to Richard II.

The lavish distribution of new honours both to the courtier and to the aristocratic leaders in the parliament of 1385 was not quite the last occasion on which the two rival parties were compulsorily brought together. The events of the summer of 1386

[1] Walsingham, ii. 156. "Et regis fuerat consodalis et coaetaneus."

still further tended to keep the peace. The young French king had, it was believed, collected a great force at Sluys, and proposed to make that port the starting-point of a formidable invasion of England. Large levies were summoned to repel the attack, and camped round London, or between the city and the coast.[1] The shrine of St. Thomas was removed to Dover Castle under the custody of Sir Simon Burley, and Thanet was to be evacuated of its inhabitants. But nothing came of this, and the troops assembled were exposed to the severest distress through the inability of the government to pay or to feed them. They at last gradually melted away, after supplying their needs by wholesale plunder of the countryside.[2] It was the last great panic of the reign.

In these circumstances there was again talk of the king leading an expedition to France. But a great council at Oxford would take no responsibility for such a venture, and a parliament was therefore necessary.[3] Accordingly, on October 1, 1386, the estates were assembled at Westminster. Pole set before them four reasons why the king should take the field in France, but there is no record that serious attention was given to him. After the preliminaries were over, the commons produced before the king, prelates and lords a series of accusations against the "late chancellor," and proceeded to his impeachment. The meagre roll of this parliament passes over the stirring period between the opening and the formal accusation.[4] We are left to gather from

[1] The king's knight, Sir Edward Dallingridge, received in 1385 license to crenellate his manor of Bodiam "by the sea," Sussex, and to make a castle there "to defend the adjacent country against the king's enemies." This was an excuse, or the result of panic, as Bodiam is far from the sea.

[2] Walsingham, ii. 147-148, and *Cont. Knighton*, ii. 213-214, give useful details.

[3] We only know of this council from Pole's opening speech at the October parliament. It probably met early in August, as chancery writs were dated at Oxford and Osney between Aug. 5 and 9; *C.P.R., 1385–89*, pp. 196, 197, 198, 199, 257, 259.

[4] *Rot. Parl.* iii. 215-224, one of the shortest rolls of the reign, and containing nothing but the preliminary proceedings, the charges against Pole and his answers, the verdict of the "king and lords," the grant made, the election of the "continual council" and the petitions of the commons and their answers. The Leicester canon takes up quite a popular line; *Cont. Knighton*, ii. 215-233, including all the official documents, and entering into vivid detail. Walsingham ii. 148-152 gives a fair but meagre account; but the other chroniclers add nothing of value. It is unfortunate that the leaf containing the Westminster monk's account of this parliament is missing. But prominence is everywhere given to the charges against the chancellor. Stubbs (*C.H.*) and Ramsay give the

the petitions that the commons insisted on the nomination in parliament of "sufficient officers," including, besides the three great ministers, the steward of the household, and "also the other lords of his great and continual council," and that ultimately Richard substantially fell in with this request. But the roll is silent as to the immediate result of the petition. We must accordingly go to the Leicester chronicler for all that we know of the fierce fight which preceded the king's surrender to the wish of the commons.

There is no reason for disbelieving a story which has been told many times; how Richard, seeing the hostility of parliament, withdrew to Eltham, where he remained for most of the session; how the magnates and commons demanded the removal of the chancellor and treasurer; how the king answered that he would not remove the humblest scullion from his kitchen at their request; how they rejected his proposal of a deputation of forty knights to Eltham to explain their demands; how rumours of a royalist plot to slay the parliamentary lords stiffened their attitude; and how, at last, the duke of Gloucester and the bishop of Ely conveyed their demands to Eltham in brutal and unequivocal terms. The two delegates told the king that he was bound to hold a parliament every year, and that, if he failed to attend parliament for forty days, the members had a right to go home. Richard foolishly threatened them with the vengeance of the king of France, and was met by the declaration of their power to depose an incompetent king. The warning of the fate of Edward II. brought the king to heel. He appeared at Westminster, dismissed Pole and Fordham, and put baronial partisans in their places.[1] Bishop

best modern accounts. Its modern name of the "wonderful parliament" is apparently due to an early seventeenth-century misapprehension of the scope of Favent's, or Fovant's, tract. See for it later, p. 431.

[1] *Cont. Knighton* gives no dates; but Pole's supplication for release from office was on Oct. 23, and Thomas Arundel received the seal on Oct. 24; *Foedera*, vii. 548. Gilbert was also appointed on Oct. 24; *C.P.R., 1385–89*, p. 232. We can therefore safely infer that Richard remained at Eltham until Oct. 23. It looks as if he withdrew there as soon as he had opened parliament. Accordingly, his altercation with the parliamentary leaders lasted about three weeks. Was not the appointment of Vere as duke of Ireland on Oct. 13 the king's attempt at retaliation on a hostile parliament, rather than the preliminary cause of the attack on Suffolk? Vere's dukedom, conferred by charter, is printed in *Lords' Reports on the Dignity of a Peer*, v. 79-80, but there is no record of it on the roll of parliament. If it were really done in parliament, there is the alternative theory that Richard withdrew to Eltham in disgust at the opposition provoked by his professing that the charter was warranted "by king in parliament."

Thomas of Ely, the active leader of the episcopal opposition, became chancellor, and John Gilbert, bishop of Hereford, an eloquent and politically minded Dominican, was made treasurer. On the same October 24, bishop Skirlaw was replaced at the privy seal by John Waltham, hitherto keeper of the rolls of chancery, who at that time appears to have been a keen parliamentarian.[1] The commons had also petitioned that the steward of the household should be nominated in parliament, but this request was shelved by the king.[2]

The way was now open for the real business of parliament, the impeachment of Michael de la Pole. Though the court party was by no means unrepresented among the knights,[3] there is no evidence that a single voice was raised in Pole's favour. It may be accounted for moderation to the opposition leaders that the ex-chancellor was the only victim. If he were punished, the rest could be left for more leisurely treatment. Accordingly, they were content to remove the treasurer and keeper of the privy seal from office, but they left them undisturbed in the possession of their bishoprics and took no penal measures against them. They also left the household personnel as it stood, and even Robert Vere was not for the moment accused. The crimes imputed to Pole were neither heinous nor well substantiated. His own answers were not unsatisfactory, and were supplemented by the pleas of his brother-in-law, Sir Richard Scrope,[4] who was the more convincing since he was now permanently committed to the side of the opposition. The result was that, of the seven charges first

[1] For John Waltham's career see later, pp. 430, 442, 461-462.

[2] *Rot. Parl.* iii. 222: "Et quant al seneschal de son hostell, il ordeinera un sufficient par avis de son counseill."

[3] For instance, the king's knights, Edward Dallingridge, Richard Abberbury and Bernard Brocas represented Sussex, Oxon and Hants; Sir Philip Courtenay, Devon; and Geoffrey Chaucer, Kent; *C.C.R. 1385–89*, pp. 298-299. Of these Dallingridge at least went over to the opposition, for he later took out a pardon, though he remained a king's knight. He died in 1394, but in 1398 was described as "an adherent of Thomas Duke of Gloucester in the tenth year"; *C.P.R., 1396–99*, p. 341. See also above, p. 411, n. 1.

[4] *Rot. Parl.* iii. 216-220 gives the charges, answer and judgment, which is repeated, wholly or in part, in several chronicles. Mr. N. B. Lewis has shown in his note on "Article vi. of the Impeachment of Michael de la Pole," in *E.H.R.* xlii. 402-407, how the accusation was of excessive usury, not fraud, and has usefully corrected some of the errors of previous historians. So far as the charge had any foundation, the blame was shared by the council at large, as the lords recognised.

brought against Pole, one was dropped by the commons; and as regards three of the other six, the other members of the king's council were declared by the lords as equally responsible with Pole.[1] His final conviction was on three only of the original counts. Firstly, he was condemned for receiving excessive grants from the king and for purchasing royal lands at prices below their value. Secondly, he was declared guilty of appropriating for his own use the revenue of the schismatic master of St. Anthony's, which ought to have gone to the king. Thirdly, he had sealed charters contrary to the king's interest. His punishment was the forfeiture of all the irregular grants made to him, and imprisonment until he had paid a fine and given satisfaction to the king. But the judgment was not to involve the loss of the name and honour of earl, nor the £20 a year, granted from the issues of Suffolk, to maintain that dignity.

The charges proved hardly suggested more than the normal mediaeval laxity in the acceptance of presents and grants. It is significant that not even the unproven accusations involved any general suggestion of misgovernment or corruption. In fact they scarcely touched the real grievances of the nation. They were simply the excuse for getting an unpopular minister out of the way. There was, however, little vindictiveness in his treatment. Even during his trial, though committed to the custody of Gloucester, his arch-enemy, as constable, he had been allowed to go out on bail.

The parliament of 1386 attempted to secure the future control of the government by the magnates and by the ministers appointed by them. Something had been done in this direction by putting the three great offices of state in the hands of baronial partisans. The time-honoured device of a "great and continual council" was now revived to strengthen their hands further.[2]

[1] Pole informed parliament that "by the advice of his council" Sir Richard Scrope would answer on his behalf; but the lords answered, "Qe feust honeste pur lui de respondre per sa bouche demesne." The parliament roll shows that Scrope was allowed to speak as to his general character and career, but that the bulk of the answers were from Pole himself, who was allowed to "add or diminish to his answer what seemed advisable to his council." This is a good instance of the value at a crisis of the council which every magnate had. No doubt it included trained lawyers as well as clerks and knights.

[2] I am inclined to assign to this period the interesting "Lavis des seignurs touchant le bon gouvernement du roy et du roiaume" in *A.P.C.* i. 84-86. Normally a "continual" was opposed to a "great council," for the former

The petition of the commons, initiating this proposal, noted with satisfaction that the king had already partly adopted this policy, but also requested that the new council should be permanently resident in London, and that a steward of the household, acceptable to parliament, should be associated with the other ministers. Richard granted the petition, promising to appoint a steward with the advice of his council, but stipulating that the "commission," as it was called, was only to last for a single year. By "tacking" the grant of supplies to the final form of the commission, by making the payment of the last part of the supply conditional on the commission being allowed freedom to complete its work, and by stipulating that a majority vote should bind the whole council, parliament did its best to secure that this council should not be so futile as its predecessors.[1] Extremely wide powers to review and amend the administration were given it, and it was to hold office from November 20, 1386, to November 1387.

On November 19 a royal writ announced the numbers and powers of the commission.[2] If the king were to be subject to such control, he could hardly have hoped to have had to deal with a more moderate and representative body. Though the courtiers were necessarily excluded, full place was given to dignified prelates of moderate constitutional views who were unlikely to advocate desperate measures. Archbishop Courtenay, bishops Wykeham and Brantingham best represented this type. The other ecclesiastics were Nicholas, abbot of Waltham, a comparatively unknown quantity; and Alexander Neville, archbishop of York, a litigious and worldly-minded prelate, whose chief occupation had hitherto been internecine struggles with his cathedral chapter and the canons of Beverley and Southwell. By helping Neville in these conflicts, Richard soon won the arch-

---

suggested ministers and officials in constant session, and the latter an occasional council to which selected magnates were specially summoned. The magnate element and the special functions entrusted to it combined to make "great council" an appropriate name for the statutable commission.

[1] Walsingham, ii. 150, says that the grant had been resisted by Gloucester and the knights, and that it was only secured "propter improbitatem potencium." He says that it was to be expended "non regis arbitrio sed procerum predictorum (*i.e.* the new council's) judicio."

[2] *C.P.R., 1385–89*, p. 244, which corrects the careless calendaring on *ib.* p. 246. See also *Statutes*, ii. 95-98, and *Rot. Parl.* iii. 220-221.

bishop entirely to his side, and before long detached him altogether from the proceedings of his colleagues. The lay members were made of sterner stuff. The two opposition leaders, Thomas of Gloucester and Richard of Arundel, were bitter enemies of Richard and his favourites. The ineffective duke of York followed as usual the lead of his stronger brother. John Cobham, the only "baron," and the two knights, Richard Scrope and John Devereux, were as stalwart, if not as bitter, as were the duke and the earl. It is creditable to the parliament that Scrope's advocacy of the fallen chancellor did not prevent his appointment.[1]

Richard did not conceal his disgust at the forging of these new chains for him. On November 28, at the moment of the dissolution of parliament, he made protest "with his own mouth" that he did not regard anything that had been done in parliament as prejudicial to himself, and that he desired to save the prerogative and liberties of his crown.[2] Even before this he had removed Pleasington, one of Lancaster's men, from the chief baronship of the exchequer and had replaced him by Sir John Cary, a Devonshire knight of royalist leanings.[3] Now that parliament was dissolved, the royal *camarilla* again began to assert itself. Instead of fulfilling his promise to select a steward with the advice of his council, Richard appointed to that post Sir John Beauchamp of Holt, one of the most active of the courtier knights.[4] Suffolk's fine was remitted and his imprisonment was made nominal by his confinement at Windsor under the custody of Sir Simon Burley. When Richard came to Windsor to keep Christmas, the fallen chancellor was treated with special honour. Henceforth he remained at court, and was soon as inseparable from the king as the duke of Ireland himself.[5] These were the

[1] Scrope was still trusted by parliament, for, when ordering the northern magnates to remain on their estates to defend the border against the Scots, they made an exception in his favour, apparently by reason of his duties on the commission; *Rot. Parl.* iii. 223.

[2] *Rot. Parl.* iii. 224.

[3] *C.P.R., 1385–89*, p. 245. For Pleasington see above, pp. 357 and 361; and below, p. 431, and iv. 39, 41. For Cary see below, 423, 429.

[4] Beauchamp was already acting as steward on Feb. 5, 1387, within six weeks of the dissolution; *C.P.R., 1385–89*, p. 291. He was, however, well spoken of, even by the baronial party. See, for instance, Monk West. p. 90: "qui bene se gesserit in eodem officio."

[5] Walsingham, ii. 149: "Et familiariorem haberet quam ante habuerat non tantum in privato sed in publico, ita ut in convivio sequenti Natali in mensa sua recumbere faceret." Compare Monk West. p. 90.

first definite proofs that Richard had no intention of keeping his word.

The great fact of the commission still remained, and the ministers included in it were quite outside the king's control. It looks as if chancellor Arundel had already refused to recognise the king's signet letter as an adequate warrant for the issue of a writ of great seal.[1] A fair number of writs were now sealed "on the advice of the great council," and a long list of heads of subjects for its consideration was drawn up, which suggests that the commission was already actively at work.[2] As winter approached, a number of new appointments and consequential dismissals were recorded. It was doubtless the result of the commissioners' activity that in December 1386 Geoffrey Chaucer, king's esquire, who had sat for Kent in the recent parliament, was removed from his two posts in the customs.[3] Yet such trifles had little effect. Indeed the first concern of the commission was not administrative reform, but the French war. The grant made in parliament allowed a fleet to be collected which anticipated invasion by attack. Of this fleet Arundel was appointed admiral with his young brother-in-law, Nottingham, as his chief fellow-worker. For

[1] From 1383 onward the signet letter had become the most frequent of chancery warrants. An excellent instance is *C.C.R., 1385–89*, p. 189, where on Sept. 21, 1386, a writ, warranted by signet letter, orders the diversion of small items of revenue from the exchequer to the chamber "for particular causes"; see iv. 324. After the meeting of the 1386 parliament, the signet was not, for a period, used as a warrant for the great seal. On Oct. 16 a writ in favour of Simon Burley was warranted by signet letter and duly enrolled. Later, this significant note was added: "Memorandum that the king delivered these letters patent to Thomas, bishop of Ely, his chancellor, on Nov. 12, to be surrendered into chancery and cancelled, because they were issued out of chancery irregularly, and they are therefore cancelled"; *C.P.R., 1385–89*, p. 225. But some signet warranties were accepted up to Oct. 18; *ib.* pp. 224, 225, 228. That most muddled of chronicles, *Cont. Eul. Hist.*, iii. 360, says that Richard ordered chancellor Arundel to seal the appointment of the commission on Nov. 19 "ad mandatum suum sub suo signeto." This is, however, most unlikely to be true. See for the whole subject, later, vol. v. ch. xvii. § IV., The Signet and the Secretary.

[2] See for this list Nicolas, *Proceedings and Ordinances of the Privy Council*, i. 3-6. This is a slight enlargement and rearrangement of the subjects specified in the patent of appointment as within the purview of the commission.

[3] *C.P.R., 1385–88*, pp. 241, 248. Chaucer also gave up about this time his house above Aldgate, and remained for some time in a distressed financial condition. Eighteen months later he bartered away his exchequer pension for an advance of money; *ib.* pp. 462, 477. Yet he had carefully kept clear of politics, dividing his time between his official work and his literary pursuits; see *House of Fame*, lines 650-660.

the whole of the spring of 1387 the chronicles are full of their exploits.[1] The glory won by the two earls immensely increased their popularity, but embittered the king still further against them.

In these circumstances Richard's position became hopeless. With the great and privy seals in hostile hands, with the signet pushed aside as unconstitutional, with all finance controlled by an unfriendly treasurer, and with the commission dismissing his servants at its pleasure, the king could neither give effect to his wishes nor procure supplies for his necessities. He found that the only way to preserve his dignity was to withdraw far from the seat of government, leaving power in the hands of the ministers and the commission. In his absence it was likely that the work of reconstruction would be more difficult. At the worst, he was buoyed up by the knowledge that the commission must come to an end on November 19. Accordingly, on February 9, after a solemn service at Westminster Abbey, Richard withdrew from London and was not seen there again until the eve of the expiration of the commission. It was as complete an abdication as when Charles I. withdrew from Westminster in January 1642, after his failure to arrest the five members.

A scandalised chronicler tells us that it was unheard of for a king to wander incessantly throughout his realm as Richard was now doing.[2] But the king had a very definite purpose in his travels. He was not only keeping out of the way of the commission; he was building up a party, an administration, and an army of his own. Each stage of the journey had its motive. It is unlucky that no detailed household book survives to give us the precise course of the king's travels, but the chronicles afford copious indications which can be pieced out by occasional records. Richard first made his way from Westminster to Leicester, staying on February 15 with lord Beaumont at Beaumanoir in Charnwood Forest. Thence he went to York, and won Alexander Neville's lasting gratitude by putting down the resistance of the canons of Beverley to him. He was back in the Midlands before long, spending Easter Day, April 7,

[1] See, for instance, Monk West. pp. 91-92; *Cont. Knighton*, ii. 234-235, and Walsingham, ii. 153-156.

[2] *Cont. Knighton*, ii. 242. "Revera non est auditum quod aliquis rex gyraverit fines regni in tam breui tempore, sicuti ille fecit illis diebus."

at Nottingham, and on April 23 coming near the lion's den in order to celebrate St. George's Day at Windsor. In early May he held a council at Reading, and in the early summer he made a hasty visit to Cheshire and North Wales under the pretext of seeing the duke of Ireland off to his palatinate.[1] After a long stay at Worcester, the king was back in the Midlands in August, attending at Lichfield the installation of bishop Richard Scrope,[2] in that month. He spent the night of August 20 at Groby, near Leicester. Next day he was at Shrewsbury, more than fifty miles away, but, after holding a hasty council there, he was at Nottingham for a council on August 25. Mid-September saw him again at Leicester, whence he proceeded south to Woodstock, his quarters for most of October, where another council was held. By the end of the month he was at Windsor, where he remained until the time was ripe for resuming power at Westminster.[3]

[1] Walsingham, ii. 161 ("rex . . . in Walliam proficiscitur") is quite explicit. So, too, is Monk West. p. 94. Moreover, the king's friends were in 1388 accused that they "avoient amesne le roi en loingtines parties de son roialme, c'est assavoir en le countee de Cestre et en Gales, qe les seignurs q'estoient ordinez d'estre de conseill . . . ne lui purroient aprocher de conseiller ove lui"; *Rot. Parl.* iii. 238. A writ of July 14 is dated at Chester; *C.P.R., 1385–89*, p. 352.

[2] *Anglia Sacra*, i. 450. The actual day of Scrope's installation is not recorded here, but as he was consecrated on Aug. 9 at Genoa, he could not have got back until nearly the end of the month.

[3] The exact itinerary of Richard from February to November 1387 is impossible to establish. What I have put in the text is a mere approximation to the true facts, based on somewhat doubtful sources. The nucleus is derived from *Cont. Knighton*, ii. 233-241, the best of the chroniclers for the purpose, though the extreme rapidity of Richard's movements between Aug. 20 and 25 is difficult to believe. Richard, however, could be very energetic when he had a mind to be so. A few hints come from other chronicles, notably from Monk West., pp. 90-94, and from record sources. Thus we learn from *London Letter Book* H, p. 306, that it was agreed in the city, on Apr. 27, that the mayor and aldermen should ride to Easthampstead to see the king. As they reported the result of their mission on May 4, Richard must have been at Easthampstead about Apr. 27 to 29, a fact also suggested by the dates of writs. Some inferences may, therefore, be drawn from similar datings of certain chancery writs. It is clear that the chancery and chancellor were at Westminster for most of this period, and certain that the chancellor was strongly hostile to the king, though not to the extent of interrupting the public service. However, we find, exceptionally, little groups of writs issued elsewhere, many of them warranted by privy seal. Study of the *Chancery Warrants* shows that the relevant privy seals of warranty were also issued at these places, and we know that the place and date of a chancery writ is usually the place and date of the warrant. Thus *C.C.R., 1385–89*, p. 319, contains a writ, based on a privy seal in *C.W.* 495/4278, both "dated" Easthampstead Apr. 27. But the privy seal and its keeper were as often at Westminster as were the great seal and chancery.

During these months Richard and his friends were not idle. There was policy in the visit to Cheshire and North Wales, especially in the conferring on the duke of Ireland of the justice-

It was normal for the chancery clerks to copy places and dates of writs from those of the warrant on which the privy seal was based. It is likely that the privy seal clerks did the same when they had written instructions. What such a warrant was, I should not like to guess. But it was seldom, I suspect, a signet letter, for I have only found one signet letter of the period, dated "manor of Allerchurch Aug. 14"; *C.W.* f. 1354, No. 1. Can Allerchurch be Alvechurch, Worc., a place fitting into the itinerary quite well? A more thorough investigation of the whole question than can be attempted here, may perhaps solve the mysteries both of Richard's itinerary and of the authority on which these writs of privy seal were issued. But I cannot help suspecting that the places in them may be those at which the king happened to be at the dates indicated. Certain it is that they fit in pretty well with the king's movements as recorded by the chroniclers. The chief difficulty in the way of accepting them is the clear fact that during the later fourteenth century the places and dates of writs of both chancery and privy seal do not necessarily afford indication of the king's whereabouts. The whole problem is curious and difficult, and might well be worth working up, the more so since the special circumstances of Richard II.'s reign are not considered in Sir Henry Maxwell Lyte's recent valuable notes on the dating of writs in *The Great Seal*, pp. 241-258. It is most unfortunate that the absence of any detailed wardrobe accounts for this period deprives us of the readiest means of ascertaining the movements of the household. The low totals of wardrobe receipts and issues for the period suggest that the king's wanderings diminished rather than increased household expenditure, as it certainly did household income. See for this later, iv. 205-210. As a provisional itinerary, under all reserves, for February to November 1387, the following may be suggested:

Feb. 9, Westminster.
Feb. 15, Beaumanoir.
Feb. 21-26, Nottingham Castle.
Mar. 25, Royston, near Barnsley; *C.W.* f. 495, No. 4237. This proves the fact and date of the Yorkshire visit, vaguely mentioned in *Cont. Knighton*, ii. 233, "tendens versus Eboracum."
Apr. 3-8 (Apr. 7, Easter Day), Nottingham Castle.
Apr. 23 (St. George's Day), Windsor.
Apr. 27-29, Easthampstead.
May 8-13, Reading (Council).
June 24-July, Coventry.
July 12-14, Chester castle. (The visit to North Wales must have been before or after these dates.)
Aug. 1, 7-14, and Aug. 24, Worcester.
Aug. 14 (Alvechurch ?) Allerchurch.
Aug. 20, Groby.
Aug. 21, Shrewsbury (? Council).
Aug. 25-29, Nottingham castle (Council).
Sept. 8, Clipstone.
Sept. 9, Nottingham.
Sept. 16, Leicester.
Sept. 22-Oct. 15, Worcester (Council).
Oct. 30-Nov. 2, Windsor.
Nov. 10, Westminster.

ships of both these regions,[1] so that if England at large deserted the king and his supporters, they could at least have at their back the resources of Wales, Cheshire and Ireland. Richard brought back with him from his personal possessions the nucleus of that bodyguard of Cheshire archers and Welsh pikemen which became for the rest of his reign his chief permanent military resource.[2] We shall see that, after the fall of Vere, Richard's interest in Ireland became keener than ever.

Richard had now collected a small army and something like an administration, both of which were designed to be in antagonism to the authorities at Westminster. Where he could not go himself, he dispatched his emissaries, notably to the eastern counties. An agent of his was caught at Cambridge, distributing silver and gilded crowns as pledges that the recipients would come with horses and arms to fight for the king against the commission.[3] All through, Richard had with him the nucleus of a ministry in the household and chamber officers, among whom were his secretary, his steward, his under-chamberlain, and the clerks and knights of his wardrobe and chamber. He had his council also, of which both household officers and favourites were members, and he added new members to it upon occasion.[4] Sometimes he "afforced" this travelling council by summoning magnates or officials to great councils, notably to those held at Reading, Shrewsbury, Nottingham and Woodstock.

At Reading, Richard openly declared his intention of repudiating the concessions made to the last parliament, but in the absence of the magnates such a declaration made little impression.[5]

[1] Vere was made justice of Chester on Sept. 8, 1387; *Chester Recognisance Rolls*, 59/7. He was appointed justice of North Wales on Nov. 10; *C.P.R., 1385–89*, p. 357. His material resources had been increased by the grant in April 1386 (*ib.* p. 136) of the custody of John of Blois and of the profits of his ransom.

[2] Monk West. p. 94: "Post haec autem rex lustravit partes Cestrie et borealem plagam Walliae venitque Salopiam, et in eundo et in redeundo semper retinuit penes se homines ejusdem patriae pervagatae." So early as Mar. 23, 1386, Richard had granted Vere 500 men-at-arms and 1000 archers "ad morandum in terra nostra Hiberniae, in comitiva sua"; *Foedera*, vii. 503, 506.

[3] Monk West. p. 94, calls him "quendam clavigerum."

[4] For instance, John Blake (*Rot. Parl.* iii. 240) and probably also the chamber knights, Sir John Salisbury and Sir James Berners, if they were not already members. The archbishop of York was the only deserter from the commission, but he had every right to be treated as a councillor by both sides.

[5] Monk West. p. 94, speaks thus of these councils: "Unum apud Redyng . . . secundum apud Wodestoke et tertium apud Nottyngham, quae dominos

The most serious work was done at the councils of Shrewsbury and Nottingham. To these Richard summoned such of the judges as he could trust, the chief baron of the exchequer and the sheriffs. At Shrewsbury the sheriffs were asked what military force they could array against the barons, and whether they could prevent the election to the next parliament of any knight not agreeable to the king. Their reply was discouraging. All the commons, they said, were on the side of the barons, so that it was impossible to raise troops against them. As regards elections, the commons were anxious to maintain the ancient custom that the knights for parliament should be freely elected.[1]

The judges were more sympathetic, or more amenable to royal pressure. Tresilian, the chief justice, was one of Richard's leading supporters. He had been almost constantly at his side during his wanderings, and had in July held the king's bench for a month at Coventry.[2] Skipwith had heard common pleas at Melton Mowbray when Richard was at Leicester.[3] Accordingly, the judges were summoned first to Shrewsbury and afterwards to Nottingham. At Shrewsbury Bealknap, chief justice of the common bench,[4] came with two of his subordinates, Sir John

magis fatigabant quam illis sive regno proficiebant." The dates of the first two councils are not clear, and the famous council at Shrewsbury is omitted. A batch of chancery writs, dated Reading between May 8 and 13, may indicate the date of the first council; the Shrewsbury council must have been about Aug. 20, and that at Nottingham is known to have been on Aug. 25. The Woodstock council may be assigned to the period Sept. 22-Oct. 15, when a number of chancery writs were attested there. The great mass of chancery writs, enrolled on patent and close rolls, were issued during this period at Westminster, and the king had probably little to do with them. But he may still have been on sufficient terms with the chancery to make it possible for a few clerks to have been sent to the court for special occasions, such as councils. It is, however, most rash to put our confidence in such guess-work.

[1] Walsingham, ii. 161: "Sed ad ista responsum est per vicecomites, communes omnes favere dominis, nec esse in potestate sua ad hanc causam exercitum contrahendum. De militibus eligendis dixerunt similiter, communes velle tenere consuetudines usitatas, quae volunt quod a communibus milites eligantur."

[2] *Cont. Knighton*, ii. 235. There is nothing in the charter roll to prove the chronicler's statement that Richard then ratified old and gave new liberties to Coventry. Is it a confusion with the charters confirmed to the bishop of Coventry, on Aug. 12 at Worcester; *C.Ch.R.*, v. 308-309? Compare *C.R.* 162/26-24.

[3] *Cont. Knighton*, ii. 240.

[4] An entry in the Cartulary of Bilsington priory in Kent (f. 76), recently printed by Professor N. Neilson for the British Academy, is significant of the lawlessness of a Ricardian judge: "Sciendum quod ille redditus est detentus . . .

Holt and Sir William Burgh. With them was doubtless Tresilian, who was at the moment the sole judge of the king's bench. However, Sir John Cary, chief baron of the exchequer, also attended, a circumstance which afforded evidence of some exchequer backing of the king's schemes.[1]

Strong pressure was exerted to make the judges declare illegal the commission and the other proceedings of the late parliament. There must, however, have been some hitch, for the judges appeared again in council at Nottingham Castle on August 25. At this Cary was not present, but there came another justice of the common bench, Sir Roger Fulthorp,[2] and John Lockton, a prominent sergeant-at-law, probably already designated as a puisne judge *coram rege*.[3] All were induced to sign a document drawn up by John Blake, an "apprentice of the law," brought in by Tresilian for the purpose.[4] In it all the judges pledged themselves to the doctrines that the commission was void because derogatory to the prerogative, that the lords and commons had no right to discuss any subjects save such as were submitted to them by the king, that the king could dissolve parliament at his pleasure, and that lords and commons could only punish ministers with the king's permission. The judgment against the earl of Suffolk was declared erroneous and, therefore, revocable. All who affirmed the contrary were traitors, including those who

---

de toto tempore domini Roberti Bealknap, militis, quia prior nec alius seruiens dicti prioris non fuerunt ausi terram dicti domini in Lydd distringere quia justiciarius domini regis et potentissimus in comitatu Kantiae fuit illis diebus."

[1] Later John Lincoln of Grimsby, one of the chamberlains of the exchequer, was condemned and deprived for supporting the king. See below, p. 430.

[2] The only other judge of the common bench, Sir William Skipwith, was ill and unable to be present. He was an old man, and had been a judge since 1359. For his disgrace in 1365 see above, p. 259. Since 1376 he had been again a justice of the common bench.

[3] Lockton was not appointed by patent; but on Oct. 25, 1367, a writ close directed Tresilian to "admit him as his fellow" as a justice to hold pleas *coram rege*; *C.C.R.*, 1385-89, p. 353. He was still acting on Jan. 28, 1388, but was condemned as a "sergeant-at-law," his judgeship not being recognised.

[4] Blake came from Lydford in the duchy of Cornwall; *C.P.R.*, *1385–89*, p. 544. Walsingham (ii. 162) says he was "juris apprenticius, quem Robertus Tresilian ad curiam regis ad dictum facinus introduxerat perpetrandum"; *Rot. Parl.* iii. 233 calls him "refrendarie" but he calls himself "scutifer"; *ib.* p. 234. *Ib.* p. 240 states that he drafted the questions propounded to the judges. For this purpose he was sworn on the "king's council"; see above, p. 421, and below, pp. 424, 434. He must be distinguished from John Blake, king's clerk, clerk of the king's works between 1378 and 1381.

had procured the commission or had urged the king to consent to it, and those who had moved in parliament for the production of the "statute" condemning Edward II. The chief advisers of the king attested this remarkable document.[1] It was, perhaps, the first definite formulation of the theory of royal prerogative. A deep line of division was thus drawn between the upholders of prerogative and the friends of parliamentary supremacy and the rule of law. The judges' pronouncement was kept secret until Richard and his friends were prepared to make it effective.

The king now moved southwards and got as near London as Windsor. He had already irritated the Londoners by completing the restoration of John of Northampton. A more serious false step was the repudiation by the duke of Ireland of his wife, a grand-daughter of Edward III., and his scandalous marriage with a Bohemian lady of the queen's chamber.[2] This not only increased the fury of the king's uncles, but set both queen Anne and Vere's own mother against him. Yet Richard's advances to the Londoners through Oxford, Pole and Brember, were received with apparent favour, and on Sunday, November 10, Richard made the short journey from Sheen to Westminster on pretext of a pilgrimage to St. Edward's shrine. Meanwhile the archbishop of Dublin had betrayed to the duke of Gloucester the story of the Shrewsbury declaration,[3] and the leaders of the opposition, gathered near London, were prepared for resistance.

[1] It is printed in *Rot. Parl.* iii. 233-234; Monk West. pp. 99-101, and elsewhere. In Favent, p. 7, it is dated Sept. 14. The witnesses are worth notice. They were Alexander Neville, archbishop of York, Robert Wickford, archbishop of Dublin, John Fordham, bishop of Durham, Thomas Rushook, bishop of Chichester, John Swaffham, bishop of Bangor, the duke of Ireland, the earl of Suffolk, John Ripon, clerk, and John Blake, esquire. Swaffham was a Carmelite friar of some fame as a preacher (Owst, *Preaching in Mediaeval England*, p. 63), and apparently a courtly divine of the Rushook type. He was translated from Cloyne to Bangor in 1376; *C.P.R.*, *1374–77*, pp. 363, 373. He founded in 1386 masses in Bangor cathedral for Richard's welfare; *C.C.R.*, *1385–89*, p. 248. He died before July 21, 1398 (*C.P.R.*, *1396–99*, p. 386), having been pardoned in 1396 all felonies, etc., whereof he was indicted or appealed; *ib.* p. 10. Wickford was a Merton College doctor, who had as king's clerk risen to be constable of Bordeaux and was several times chancellor of Ireland. He was apparently a link between the duke of Ireland and his duchy. Ripon was a favourite clerk of the king and was sent to Rome to secure a divorce for the duke of Ireland.

[2] Her name was Agnes "Lanchecron," and in March 1389 a dependant of Vere's was pardoned for having, at Vere's command, "abducted her"; *C.P.R.*, *1388–92*, p. 20.

[3] Monk West. p. 103.

The king soon found that his honourable reception at Charing Cross by the mayor and citizens meant very little.

Installed at last in Westminster palace, Richard sent next day for Gloucester and Arundel. They replied that the king had surrounded himself with their enemies and that they were afraid to come. Strange rumours were current everywhere. It was said that Pole had advised the king to slay Warwick, a pillar of the opposition, that the king's advisers were willing to barter away Calais and all the king's lands in France for a dishonourable peace, that some of the king's household knights were sacrilegious Lollards, blasphemers against the sacraments and the law of the church,[1] and that the king was collecting his retainers to wage war against the lords of the opposition. Civil war seemed inevitable. Gloucester went to Pleshey, Arundel to Reigate, and Warwick to Harringay, to collect their followers. On November 13 the three confederates united their forces at Harringay, and next day retired further from London to Waltham Cross. The king, on the other hand, failed to raise any force to oppose them. The Londoners protested that they were peaceful traders, ignorant of the art of war save in self defence.

Richard was stupefied at the rapid combination of all his subjects against him.[2] Up to this point there had been some pretence at social relations between the conflicting parties. The more moderate members of the commission were still friendly towards the king, seeking to bridge over the gulf between him and his enemies.[3] Headed by the archbishop of Canterbury and the

[1] The famous text about the "Lollard knights" occurs in *Chron. Angliae*, p. 377, and is repeated in Walsingham, ii. 159, under 1387. It specifies William Neville, Lewis Clifford, John Clanvowe, Richard Stury, Thomas Latimer and John Montague, mostly, we know, knights of the king's chamber, as notorious Lollards, the worst being John Montague. *Cont. Knighton*, ii. 181, repeats, with variations, the charges under 1382, and *Annales Ricardi*, p. 173, under 1395. Prof. Waugh has shown in *S.H.R.* xi. 55-92, the baselessness of these charges by detailed biographies of the incriminated knights, who at the worst were "anticlerical"; and gave evidence, notably in their wills, of orthodox piety. This John Montague was not Richard's steward, but the steward's son, who became earl of Salisbury in 1397, and may well have had heretical leanings. It is not impossible that the charges were but part of the campaign of mendacity inspired from St. Albans against the king's supporters.

[2] "Rex vero stupefactus ad tam subitam tantorum coadunationem"; Monk West. p. 106. "Tam majores quam minores, tam proceres quam communes"; *Cont. Knighton*, ii. 245.

[3] Monk West. p. 105, says Richard, "super hoc habito consilio," sent the archbishop of Canterbury, the duke of York, the bishops of Winchester and Ely,

chancellor, the councillors acted as mediators between the king at Westminster and the lords at Waltham. On November 14 at Waltham they received the formal "appeal" or accusation by the five lords against the five courtier leaders, and reported this to the king. By agreeing to receive the confederates at Westminster, Richard put himself into the enemy's hands. A week of indecision ended in an abject submission.

On Sunday, November 17, a week after Richard's return to his palace, the duke of Gloucester and the earls of Warwick and Arundel rode up to Westminster Hall, escorted by three hundred horsemen. The king was on his throne, and the three lords treated him with ceremonious courtesy. Sir Richard Scrope set forth at length their demands. They affirmed their loyalty. Their only wish was to remove traitors and evil counsellors from the king's person. Accordingly they "appealed" of treason archbishop Neville, the duke of Ireland, the earl of Suffolk, Sir Robert Tresilian and Sir Nicholas Brember, and demanded the immediate summons of a parliament in which their charges could be investigated. Richard accepted their demands and announced a parliament for February 3, 1388.

The courtiers now saw that the game was up. Brember alone remained in London, so that he was arrested on December 21,[1] and was the only one of the five to stand his trial in person. Tresilian hid himself in Westminster, and was only discovered after his condemnation in absence.[2] The three chief culprits betook themselves to flight. Suffolk went to Calais, where he was arrested and sent back to Hull, whence he succeeded in escaping a second time to the continent. There he stayed until he died at Paris in 1389. The archbishop of York, after an unsuccessful attempt, fled to Brabant, where he died in 1392,

---

John Waltham, John Cobham, Sir Richard Scrope and Sir John Devereux to treat with the lords. *Cont. Knighton*, ii. 242-243, suggests that the archbishop and the rest were sent by the lords to the king. But *ib.* p. 247, makes it clear that they were, then or later, "missi a latere regis, quaerentes ducem et comites." Anyhow, whether king or lords gave them their original commission, their whole weight was thrown against the king.

[1] *C.C.R., 1385–89*, p. 461, "for certain debts to the king and for other causes." Favent, pp. 10 and 12, shows that he was still at large some days later and strove to prevent the lords entering the city. He was imprisoned in Gloucester castle before Jan. 4, 1388; *Foedera*, vii. 566. This order errs in suggesting that Tresilian was also taken.

[2] See p. 433, below.

serving an obscure cure in Louvain. The duke of Ireland alone showed courage to fight. He made his way to Cheshire, where a fierce army from Cheshire, Lancashire and North Wales was assembled by Sir Thomas Molyneux, constable of Chester, the chief of his advisers.[1] Vere marched at its head through the Severn valley towards London. The Lords Appellant, as we may now call them, showed promptitude and vigour in handling this one effort of armed resistance. As the Ricardian army moved eastwards over the northern Cotswolds, the baronial forces mustered on its left flank and headed it off from the road to London. The duke of Ireland pushed southwards through Burford and Witney, hoping to cross the Thames at Radcot Bridge, but he found Henry of Derby holding the bridge and the opposite bank, while Gloucester was now pressing on his rear. On December 20 the royalists were scattered, after the merest semblance of a struggle, in which Molyneux lost his life.[2] Ireland swam the Thames on his horse and, reaching Queenborough, was able to get to the continent, where he died obscurely in 1392. The triumphant lords marched through Oxford into London, and on December 27 encamped in warlike array at Clerkenwell.

During the absence of the lords, Richard made futile efforts to evade his promises, but did not succeed with any of the shifts he attempted. On December 17, writs for a new parliament were issued. To this the incriminated magnates were summoned, but the sheriffs were instructed to secure the selection of commoners who had taken no part in recent controversies.[3] For safety, Richard moved from Windsor to the Tower, where he kept his melancholy Christmas feast. He there learnt that the Londoners had thrown in their lot with the barons. There was a week of further negotiation, the bishops, the duke of York and the earl of Northumberland playing the part of mediators. On December 29 the lords sought out the king in the Tower, renewed their appeal, and presented him with the alternative of deposition or submission.

[1] "Praecipuum consiliarium ducis praedicti"; Monk West. p. 112. "Vir dives et audax, cujus nutum tota illa provincia (*i.e.* Cheshire) expectabat"; Walsingham, ii. 157.

[2] For the military history of these movements, see J. N. L. Myres' "The Campaign of Radcot Bridge in December 1387" in *E.H.R.* xlii. 20-33. This points out, and offers an explanation of, the remarkable discrepancies in the different chroniclers' accounts of the struggle.

[3] "In debatis modernis magis indifferentes"; *Foedera*, vii. 566.

Again Richard was forced to yield. On December 31 the lords went to Westminster, and took over the direction of the household and the administration. Henceforth acts of state were warranted *per concilium*, and "council" now meant, in substance, the time-expired commission.[1] As a crowning humiliation Richard was, on January 1, forced to issue new writs, omitting the instruction concerning the character of the members to be returned, because it was contrary to precedent and to the liberty of parliament. On January 4, proclamation was made to all sheriffs that the five culprits should appear in person before parliament, and that meanwhile both they and the appellants should receive full legal protection.[2] On the same day wholesale arrests were made of the king's partisans. The victims were consigned to various prisons to await their trial in parliament.[3] A large number of less guilty or better reputed royalists were sworn to abjure the court.[4] The futile efforts of the king to resist the storm had only played into the hands of his enemies. In the month between the triumph of the appellants and the meeting of parliament, the purification of the administration was begun which was completed during the session. The first to go were the incriminated officers of the household. Before January 4 Sir Simon Burley was replaced, as constable of Dover and warden of the Cinque Ports, by Sir John Devereux, who perhaps at the same time was put into Sir John Beauchamp's place as steward of the household.[5] As lately as October 1387, Beauchamp had been

[1] Monk West. p. 116, says that on January 1, 1388, bishops Wykeham and Skirlaw, John Cobham, Richard Scrope and John Devereux were appointed "pro gubernatione regis continua." All were commissioners except Skirlaw; but Skirlaw's loyalty to Richard, shaken by the king's advocacy of secretary Medford for the bishopric of Bath against his claims, was now transferred to the appellants by effective hopes of translation to a richer see. The bishop of London, though the king's kinsman, was now a constitutionalist and had hot personal encounters with Pole, before the earl's flight; Walsingham, ii. 163.

[2] *Foedera*, vii. 567-568.

[3] *Ib.* pp. 566-567.

[4] Monk West. pp. 115-116, gives good lists both of the prisoners and of those excluded from the court. The latter were "milites nominati et viri famosi multisque virtutibus insigniti." Among them were bishops Fordham and Rushook, and Sir Aubrey Vere.

[5] Devereux was constable of Dover on Jan. 4; *Foedera*, vii. 566. Monk West. p. 116, suggests he was appointed constable and steward on Jan. 2. Favent, p. 16, shows him pronouncing sentence of condemnation on the five and representing the king in parliament on Feb. 11 and already "curie senescallus."

appointed an hereditary baron with seat in parliament ; [1] but he was compromised almost as much as Burley and the two were soon to suffer the same fate. Not much later, the judges who had subscribed to the Nottingham declaration heard their doom. Six were deprived of their offices by the commission,[2] and two new chief justices were appointed on January 30, Sir Walter Clopton for *placita coram rege* [3] and Sir Robert Charlton [4] for the common bench.

Chief baron Cary was removed at the same time, though his successor was only found on April 24 in Sir Thomas Pinchbeck.[5] On February 12, Sir Peter Courtenay was appointed " chief chamberlain " to take the place of the fugitive hereditary chamberlain, who was now only spoken of as the " late duke of Ireland." [6] It seems as if he were expected to do the work not only of Robert Vere, but of Simon Burley, for there is no record that a new under-chamberlain was appointed in succession to the latter. Courtenay's was the only new appointment which excited Richard's gratitude, for he had been a knight of the chamber and was not unfriendly to the king.[7]

A certain number of chamber officers, such as James Berners and John Salisbury, usher of the chamber,[8] were among those waiting their trial, while others like Aubrey Vere and Richard Abberbury were ordered to abjure the court. But the disturbance of the chamber personnel was not great, and some courtiers were suffered to remain in office. On the other hand, the king's secretary, Richard Medford, was removed from his post to stand his trial. It looks as if the barons regarded his novel office as a dangerous one which it was not expedient to fill up.[9] The king's chapel furnished a group of culprits, bishop Rushook himself,

[1] This, recognised as the first creation of a " barony by writ " in English history, might almost be regarded as the first occasion when " baron " was a recognised " title of honour," involving hereditary succession.

[2] This was " in camera regis apud Westmonasterium mutuo consilio omnium commissariorum " ; Favent, p. 14.

[3] *C.P.R., 1385–89*, p. 447 (grant of 100 marks beyond his usual fee).

[4] *Ib.* pp. 400, 447.

[5] *Ib.* p. 428.

[6] " N'adgairs duk d'Irland " ; *Foedera*, vii. 565 (Dec. 23).

[7] *C.P.R., 1385–89*, p. 383. He was definitely " camerarius regis loco ducis Hibernie " ; Favent, p. 13. Richard was pleased at this appointment, " quem rex grato animo acceptavit " ; Monk West. p. 178.

[8] Favent, p. 13 ; *C.P.R., 1385–89*, p. 14. Also W. Elmham and N. Dagworth.

[9] Medford remained secretary up to the time of his arrest ; Favent, p. 13.

Nicholas Slake, its dean, and Richard Clifford, one of its clerks.[1] There was apparently not a single change in any of the wardrobes. We must not, therefore, take too literally the Westminster monk's statement that, on January 2, all the *familiares* especially near to the king were removed from court and others chosen in their place.[2] The offices of state had been so well reformed already that there seems to have been no need for many changes. The king had been so conscious of the limitations of his power that during all his struggles for freedom he had never ventured to dismiss the nominees of the parliament of 1386 from their posts. Accordingly, the barons found in bishop Arundel, the chancellor, bishop Gilbert, the treasurer, and John Waltham, keeper of the privy seal, men of their own way of thinking on whose co-operation they could rely. However, the exchequer yielded up two victims in Sir John Cary, the chief baron, and in John Grimsby of Lincoln, latterly one of the chamberlains of the receipt, who was not only deposed but imprisoned and forced to stand his trial.[3]

Parliament met on February 3, and remained in session until Whitsuntide, except for a short break in February, and a long break from March 20 to April 13.[4] It was dismissed on June 4.[5]

[1] Favent, p. 13, where he is called John Clifford. This is one of Favent's few slips. He should be Richard Clifford; *e.g. Foedera*, vii. 567. For him see later, p. 464, and iv. 49.

[2] Monk West. p. 116: "Item secundo die Januarii omnes familiares, praecipue domino regi proximiores, dicti domini a curia removerunt et loco eorum alios ad libitum subrogarunt." See for details later, iv. 203.

[3] John Lincoln of Grimsby must be distinguished from another John Lincoln, also a king's clerk. The Grimsby Lincoln was an exchequer officer of standing, who had been appointed chamberlain in Nov. 1386, in succession to Thomas Orgrave; *C.P.R., 1385–89*, p. 236; *Foedera*, vii. 567, vaguely describes him as "de recepta scaccarii nostri clericus." His successor, Arnold Brocas, king's clerk, was appointed on Jan. 6, 1388; *ib.* p. 382. Lincoln's place of origin suggests friendship and possible affinity with the great family of Lindsey chancery clerks, now represented by John Waltham, keeper of the privy seal. See earlier, pp. 215-216.

[4] Easter Sunday was on Mar. 29 in 1388. The adjournment was from the Friday before Palm Sunday to the Monday after the quinzaine of Easter.

[5] All accounts of this parliament must be based on the lengthy but incomplete roll, printed in *Rot. Parl.* iii. 228-256. It gives little, save the articles of accusation against the incriminated royalists, their answers to the charges, and a short series of petitions of the commons. These records are copied out in the more elaborate chronicles, notably in Monk of Westminster, pp. 118-183, by far the most copious of the contemporary narratives. The chronicler, however, devotes most of his space to mere repetition of the official records, namely, pp. 119-147, and pp. 158-165, the latter being extracts from the commons' petitions, not always in the right order, and with the answers omitted. This leaves for the

On the opening day the estates assembled in the White Hall of Westminster Palace, where the king was seated on his throne. Then the five lords appellant, clad in golden raiment, came into the hall, arm in arm and profoundly saluted Richard. When chancellor Arundel had set forth the cause of summons, Sir Robert Pleasington, the chief baron deposed in 1386, made himself the mouthpiece of the appellants.[1] After this the clerk of the crown [2] read rapidly the articles of the appeal, drawn up in French that they might be generally understood, and so long, that they took two hours to get through. A diversion was created by an appeal to the legal experts, who, faithful to their

chronicler's own composition only pp. 147-158, beginning " processus et executio dicti parliamenti," and pp. 165-183, beginning " videndum est quomodo alia transierunt in anno presenti." Unluckily the sections included within these pages give two different accounts of the whole proceedings of parliament. The former is a valuable diary of the whole parliament; the latter includes long dissertations on the Lollards, the right of sanctuary, and Richard II.'s zeal for the church, but also retraverses the whole history of the parliament. This, though giving some interesting details not otherwise known, is sometimes irreconcilable with the former account. The next best chronicle of the parliament is *Cont. Knighton*, ii. 258-296, mainly quotations from the accusations, but with valuable additions. The St. Albans and Evesham annalists add nothing of importance. To these may be added " Historia de Modo et Forma Mirabilis Parliamenti apud Westmonasterium anno Domini millesimo ccclxxxvj°, regni vero Regis Ricardi secundi post Conquestum anno decimo, per Thomam Favent, clericum indicata," recently published from a Bodleian MS., by Miss M. M'Kisack, in *Camden Miscellany*, vol. xiv. Though professing to be an account of the parliament of 1386, it is an account of the parliament of 1388. It has been neglected since the seventeenth century, when a rough translation was published as a polemic against Charles I. This has been more than once reprinted and frequently referred to, without much appreciation of its character and authenticity. Its chief value is as an illustration of the careful appeal to public opinion against Richard, but it is, though partial, not inaccurate in its facts and gives new details of interest. I have discussed this and other illustrations of the profound interest taken in parliamentary proceedings at this period in my paper on "The English Parliament and Public Opinion, 1376–1388" in *Mélanges d'histoire offerts à Henri Pirenne*, pp. 545-562, Bruxelles, 1926.

[1] Favent, p. 14: "quinque proceres eorum anteloquum Roberto Plesyngton, militi prudenti, meminerunt."

[2] *Ib.* p. 15. This was Geoffrey Martin, who received later large rewards for his part in these proceedings; see the grants to him in *C.P.R., 1385–89*, p. 513, for his labours during the last parliament and for his long service to the late king, the king's father, and the king. This shows that Martin was one of the Black Prince's men. John Scarborough, the clerk of the commons, had similar rewards for his long service in chancery and because " some irregularity in the king's service prevented him from receiving a benefice"; *ib.* p. 517. Both these grants were made later in the Cambridge parliament. For Martin's early career see above, pp. 209-210. Favent's minute chronology now becomes involved, so he suddenly changes his method: " et ideo non secundum dies procedam, sed solum acta grossiora parliamenti tangam."

royalist bent, declared that the articles of the appeal did not comply with either the civil law or the law of the land. The lords of parliament brushed aside this view with the assertion that the high crimes alleged in the appeal, perpetrated by peers of the realm, could only be dealt with in parliament and by the law of parliament. Moreover, it appertained to the lords of parliament to be judges in such cases with the king's assent, for the realm of England had never been, and ought not to be, governed by the civil laws, nor according to the law of any other court or "place," for such inferior courts were but executors of the laws of the realm and the ordinances of parliament. Accordingly the lords of parliament regarded the appeal as in due order, and proposed, therefore, to adjudicate upon it in accordance with the laws of parliament.[1]

Nothing in the history of this memorable parliament is more significant than this declaration. It may be put beside the judges' enunciation at Nottingham of the theory of the prerogative. It was in substance an answer to the judges, for it declared the supremacy of parliament over the lawyers and law courts, asserted by the judges to be the instruments of monarchy. The renunciation of civil law as no part of the law of England was not a novelty, but the declaration that parliament, as the law maker, could override the executive officers of the law, involved an assertion of the ultimate sovereignty of parliament which, after a lapse of centuries, was to become the received theory of the English state.[2] Of more immediate significance was the claim of the lords to be the sole judges of the law of parliament. In it is the first adumbration of the "house of lords" as the supreme law court, including the further consequence of judgment by legislative act,

[1] *Rot. Parl.* iii. 236. It is a pity that we are not told the names of the judges, sergeants, "sages" in the law of the realm and "sages" of the civil law, who expressed these opinions. The judges must have been the newly appointed chief justices, Clopton and Charlton, but they had as yet few colleagues. It would be of particular interest to know who were the sages of civil law. I suspect some of the clerks of the chancery would be among them, and notably those like John Burton, John Scarle, Mr. Richard Ronhale, Thomas Stanley, Geoffrey Martin, clerk of the crown, and John Scarborough, then granted at the commons' request to be their common clerk; *ib.* p. 245.

[2] Compare this with another assertion of the dependence of the law on parliament, enunciated in article 15 of the impeachment of Burley, Beauchamp and their fellows. "La ley de la terre est fait en parlement per le roy et les seignurs espirituelx et temporell et tut la communalte du roiaume"; Monk West. p. 146.

which was to prepare the way for acts of attainder. If the assent of the king was assumed for the sake of form, it is clear that the king was already reduced to the condition of a passive instrument of the will of parliament. Thus the theory of parliament developed hard upon the recent declaration of the theory of monarchy. In the event of disagreement between the two powers, there was no way out, except an appeal to force. Accordingly, both theories clearly involved the subordination of the one to the other. At the moment the crown was subordinate to parliament, but normally, as we shall soon see, it was the other way about.

The fate of the five appellees now became a foregone conclusion. After a few more days' delay for appearance's sake, the four not in custody were condemned, the privilege of clergy saving the archbishop from the death sentence of his lay companions. Then Sir Nicholas Brember was brought up for trial, but the news that Tresilian had been captured, hiding almost in the precincts of the palace, caused a temporary diversion.[1] The chief justice had already been condemned in absence, and refused to excuse himself. He was hurried off to execution in circumstances of great brutality, on the ground of the verdict already pronounced. Next day, February 20, Brember also received his sentence, and was at once sent off to be hanged at Tyburn. Thus the five chief culprits were disposed of in little more than a fortnight.

The turn of the lesser offenders then came. With them the method of the appeal was not employed. The procedure followed was that of the Good Parliament, and they were impeached in full parliament by the commons, the temporal lords acting as judges.

[1] There are three different versions of Tresilian's capture, in Monk West. pp. 147, 167-168, Favent, p. 17, and Froissart, ch. lxxi.-lxxii. xi. 29-42, ed. Buchon. In detail they are irreconcilable, but they agree that he was caught hiding at Westminster. Favent tells a picturesque story of the hiding-place and its discovery. The Monk of Westminster gives an equally circumstantial account, and is probably the more accurate of the two. Froissart is fantastically wrong, and quite worthless. It is not clear whether Tresilian's arrest was a violation of sanctuary as the Monk of Westminster affirms. The question was one of great interest to a monk of the abbey, and he eulogises Richard II., who regarded the arrest as an act of sacrilege, as an upholder of the liberties of the church, in terms which suggest some reflection on such zealots for orthodoxy as Thomas Arundel and William of Wykeham, who leant to the contrary view; *ib.* pp. 173-175.

The two humblest culprits [1] were first disposed of. They were John Blake, the lawyer,[2] and Thomas Usk, under-sheriff of Middlesex, whose tortuous career since his betrayal of his first master, John Northampton, had left him few friends.[3] They were tried, condemned and executed on March 4. The six judges who had denounced the legality of the commission were arraigned in the same manner on March 6. They recognised their offence, pleaded they acted under constraint, and were condemned on the very day. The bishops, headed by archbishop Courtenay, put in a plea for mercy to them. Accordingly, the death penalty was remitted, and later they were sent into banishment in Ireland. Respect for ecclesiastical privilege did not prevent the commons impeaching bishop Rushook of Chichester,[4] who was arraigned on the same March 6. His case was, however, respited for further consideration, and it was not until much later that his appropriate punishment was found in deprivation of his bishopric by a nominal translation to a poverty stricken Irish see. Thus the "Merciless Parliament" first began to show a touch of mercy.

Up to now, parliament had acted as one man. Divided counsels began to appear when Sir Simon Burley, Sir John Beauchamp, Sir John Salisbury and Sir James Berners came up for trial on March 12.[5] Sixteen articles were presented against them.[6] As intimate officials of the chamber, they had taught the young king to reject the counsel of the nobles and repose his confidence in traitors. They were the principal agents of the guilty five in all their misdeeds. The accused strongly denied the charges, and much sympathy was excited for Burley, who was so ill that he had to be supported at the bar by two of his friends,

[1] "homines simplicis qualitatis"; Favent, p. 19.

[2] For Blake, see above, pp. 421, 423.

[3] For Usk's edifying end, see Monk West. p. 169. See also above, p. 393. In status a clerk, he was at different times secretary to Northampton, royal sergeant-at-arms, and under-sheriff of Middlesex. He was the writer of the "Testament of Love," once ascribed to Chaucer. See H. Bradley's article on him in *D.N.B.*, and Skeat's *Chaucerian and other Pieces*, pp. xvi-xxxi, and 1-145. The fate of the literary man turned politician may well have convinced his friend Chaucer of his wisdom in holding aloof from politics. See above, p. 417.

[4] See above, p. 381, for his earlier career.

[5] *Rot. Parl.* iii. 241, and Favent, p. 20, agree on this. They are to be preferred to Monk West. p. 152, who says that four minor clerical culprits, Richard Medford, Nicholas Slake, Richard Clifford and John Lincoln, were arraigned with them.

[6] Printed in *Rot. Parl.* iii. 241-243, and Monk West. pp. 140-147,

one of whom was Sir Baldwin Raddington, controller of the king's household.[1] The cases against them were incomplete, when a month's adjournment for Easter further postponed their fate.

Great influence was used in favour of Burley. The duke of York affirmed his loyalty in full parliament, though the duke of Lancaster declared himself ready to prove his treason by single combat. Each brother gave the lie to the other, and the personal intervention of the king alone imposed silence on the exasperated dukes. The queen went on her knees to Gloucester to intercede for him. The younger appellants, Derby and Nottingham, were hot on his side. The king plucked up courage to be insistent. Among the magnates, Gloucester, Arundel and Warwick stood almost alone in pressing for Burley's condemnation. But they had the commons on their side, and neither York nor Cobham, who went personally to reason with the knights, could move them to adopt a more merciful attitude.[2] Accordingly, on May 5, sentence to a traitor's doom was passed on him and his three colleagues in misfortune. All were executed, but the only one to pay the full penalty of treason was Salisbury, who was specially odious as the suspected go-between of the court party with the French.

The fierce struggle over the fate of Burley marks the end of the severities of the Merciless Parliament. A crowd of minor offenders were released under surety. Among them were several chamber knights [3] and such lesser clerical culprits as Medford, the secretary, Slake, the dean of the chapel, Clifford, and John Lincoln, the sometime chamberlain of the exchequer. The commons still petitioned for the exclusion of all Bohemians from the queen's household. Yet, despite all the severities, the purge of the household was never very complete, as is shown sufficiently

[1] Monk West. p. 153: "Et le dit Simund fuist si malade qil fuist supporte a le barre par monseignur Baudewyn Radyngton de lune partie et Johan Durant, esquier, de lautre partie"; cf. *ib.* p. 177. Raddington was possibly Burley's kinsman. See also below, iv. 196-199.

[2] See for these details Monk West. pp. 176-177, and above all Favent, p. 21: "Pro dicto Simone parliamentum vexabatur, quoniam indivisa trinitas trium dominorum appellancium, scilicet ducis Gloucestrie et comitum Arundelli et Warwychi, una cum integra communitate parliamenti ad iustum iudicium . . . insteterunt."

[3] Among these were Thomas Trivet, William Elmham and Nicholas Dagworth; Favent, p. 23. They were pledged to appear, if called upon, before the next parliament; Monk West. p. 181.

by the retention of the controllership of the wardrobe by Baldwin Raddington. The provision for the widows of some of the sufferers, and the grant of pensions to the judges and bishop Rushook, exiled in Ireland, showed a certain spirit of forebearance.

The complaisance of Urban VI. cut the difficult knot of the punishment of the condemned prelates. By the simple process of "translation" to a diocese which paid allegiance to the Avignon antipope, Alexander Neville was eliminated from episcopal work by his "provision" to St. Andrews, and Rushook removed from Chichester to Kilmore in Ireland. Less guilty ecclesiastics were more gently punished by transference to sees of smaller value. Thus Fordham went from the fleshpots of Durham to the more meagre temporalities of Ely. Papal pliability made it easy to reward the bishops who had supported the appeal by translating them to richer sees. Thomas Arundel went from Ely to York, Ralph Erghum, the veteran Lancastrian, from Salisbury to Wells, and a recent recruit from the court, Walter Skirlaw, from Wells to Durham.[1] Most of these appointments were made at Perugia on April 3, so that Urban VI. lost little time in giving effect to the wishes of the dominant party.[2] In the same way John Waltham, keeper of the privy seal, soon had his reward for his change of front in his provision to the bishopric of Salisbury.

Parliamentary petitions show that there was still a good deal of work to be done, but the general acceptance of the commons' requests by the puppet king, suggested that there would be no obstacle in the way of the execution of the new policy. Provisions were made for election of the council, the completion of the purge of the household, the review of the law courts and offices of state, the removal of Bohemians from the queen's household, the payment by the queen of £10 a day for the support of her husband's establishment, the devotion of all money raised for the pope's

[1] Skirlaw's political career practically ended in 1386. He was still employed abroad, notably in negotiating the king's second marriage, but he was henceforth mainly occupied in his new diocese, where before his death in 1406 he gained the reputation of a northern Wykeham by the splendour of his buildings and foundations; Chambre, in *Anglia Sacra*, i. 774-775; and in *Hist. Dunelm. Scrip. Tres*, pp. 144-145 (Surtees Soc.). After 1397 Richard released him from attendance at parliaments and councils by reason of his services and his advanced age; *Foedera*, viii. 19-20.

[2] *Foedera*, vii. 573-577; *Cal. Pap. Reg. Let.* iv. 268-269, shows that Urban was well paid by the beneficiaries for their translation to richer sees.

benefit, to waging war against the "schismatics of Scotland," and the prevention of unauthorised persons approaching or influencing the young king. A parliament was to be held in the autumn; letters of secret seal or signet were no longer to disturb the law or damage the realm:[1] the staple was to be removed from Middelburg to Calais, and the principal courts, namely the chancery, the two benches, the exchequer and the receipt, were to be "surveyed" by the chancellor, treasurer and keeper of the privy seal, and "insufficient persons" found in any of them replaced by "sufficient persons."[2]

The complaisance of parliament to the appellants still knew no limits. Adequate grants ensured the carrying on of the government, and the appellants received personal rewards, being given, at the commons' request, £20,000 "for their great expenses in procuring the salvation of the realm and the destruction of the traitors."[3] Nor were their allies forgotten. John Holland, the king's half-brother, recently returned from Lancaster in Spain, was made earl of Huntingdon, with an adequate endowment.[4] More significant still, Lancaster, who had abandoned Spain as hopeless, was appointed in May the king's lieutenant and plenipotentiary in Gascony, "by the assent of our council in this present parliament."[5] Thus the whole Lancastrian influence, combined with that of the Hollands, was employed to rivet the fetters by which Richard was now bound. Oaths to preserve the peace and protect the appellants from molestation were also imposed on the king, the magnates, the commons, the household and the gentry of the shires.

On May 31 the king entertained parliament at his manor of Kennington.[6] Then the last business sessions were held in Westminster abbey, where before king, lords and commons, the royal acceptance of the new constitution was proclaimed to the world. Thereupon Richard "of his own free will" renewed his coronation oath, received the homage of the lords and commons, and promised to be a "good king and lord" for the future. The bishop of London said mass, and the archbishop of Canterbury

[1] *Rot. Parl.* iii. 246-252.
[2] For the possible results of this see later, pp. 442-449.
[3] *Rot. Parl.* iii. 248; Monk West. p. 154.
[4] *Ib.* p. 172.
[5] *Foedera*, vii. 583-586.
[6] Favent, pp. 22-23, mentions this new point.

preached an "excellent sermon" on the sanctity of oaths.[1] In conclusion, excommunication was fulminated against all who set at naught the decrees of parliament. Even then many bills and petitions remained unanswered through lack of time, and it was agreed that these should be dealt with by certain lords assigned for the purpose, whose decisions were to be as binding as the acts of a full parliament. By such a decree it was possible on June 4 to bring the long parliament to an end.[2]

A year of domestic peace showed that the constitution set up by the Merciless Parliament was less futile than the numerous plans of administration which had been drawn up since 1376. There was now, for one thing, complete unity of direction, for the king had been reduced to submission, the chief administrative posts had been filled up by the nominees of the appellants, and every precaution had been taken to secure continuity of policy. The "commission" of 1386 had, of course, reached its term, even before the Merciless Parliament had assembled. Yet there is evidence that its members still acted together.[3] There is no record of their reappointment, though the vague phrasing of one of the commons' petitions suggests that there was still a "council appointed in parliament" and a "continual council."[4] Moreover, the Westminster chronicler says categorically that parliament agreed that bishops Wykeham of Winchester and Braybrook of London, the earl of Warwick, John Cobham and Richard Scrope, should attend continually on the king, and that he should do nothing without their consent.[5] If this latter statement be

[1] "Archiepiscopus de forma et periculo juramenti optimam collacionem promulgavit"; Favent, pp. 23-24, who brings out these details very vividly. Compare Monk West. p. 183, and *Rot. Parl.* iii. 251-252.

[2] *C.C.R., 1385–89*, pp. 494-496. The days allowed for expenses varied from 99 days for Middlesex to 131 days for Cumberland, Northumberland, Devon and Cornwall.

[3] An instance of this is the charter making John Holland earl of Huntingdon, where the thirteen witnesses included eleven of the commission; *Rot. Parl.* iii. 251.

[4] See especially *Rot. Parl.* iii. 246, where the first petition of the parliament postulates both "lords of the council assigned in this present parliament," and the continuance of the "continual council," in terms so vague that they may cover the same or involve two different advisory bodies.

[5] Monk West. p. 178: "Ulterius processerunt in parliamento domini et communes de regis gubernatione et que personae pro ejus regimine circa se haberentur; demum convenerunt quod duo episcopi, Londoniensis et Wyntoniensis, et comes Warwyk, et domini J. Cobham et Ricardus Scrop jugiter sibi astarent, nihilque faceret sine consensu eorum."

true, there was a definite continual council of five, in which the royal power of directing and controlling the ministers was vested. However this may be, the political harmony of the officers of state made such conciliar direction of little importance at the moment, and we have no evidence that it was exerted. We must look rather to the acts of the government to see the extent to which this year of trial witnessed improvements in administration.

The great merit of the rule of the appellants was that they kept such peace at home as had not been known for several years. Another merit was that, face to face with facts, they began to give up as hopeless their tradition of foreign war and conquest. As bitter critics of the courtiers for their lukewarmness against the French, it was at the beginning imperative that the new ministers should do something to prove their capacity to wage successful war. Accordingly, Arundel was again active as admiral, while forays from Calais, against both Flanders and France, showed the foreigner that Englishmen could still fight on land. Nothing important, however, came of these movements, and the truce with Scotland expiring, a successful Scottish raid over the border led to the defeat and captivity of the younger Henry Percy at Otterburn. Already peace negotiations, directed by bishop Skirlaw, had been entered into with Flanders and some of the northern powers. Now a new commission, like that in Flanders, under bishop Skirlaw, began negotiations with France for a permanent truce. Though nothing was accomplished until after the fall of the appellants, the setting up of such a commission indicated that the barons could learn by experience to renounce aggressive war with France. The personnel of the commission appointed to treat with France demonstrated the conservatism of the new government. Skirlaw, as a notary of chancery, had been prominent in earlier negotiations, and his colleagues were drawn from the king's household and chamber. One of the two chamber knights empowered, Sir Nicholas Dagworth, had been among those whom the Merciless Parliament had expelled from court.[1]

The government approached home problems in the same

[1] *Foedera*, vii. 610-611, gives a list of the commissioners. Besides Skirlaw, there were William Beauchamp, captain of Calais; John Devereux, steward of the household; John Clanvowe and Nicholas Dagworth, knights of the chamber; and Richard Ronhale, doctor of laws, the notarial expert.

conservative spirit. The military and naval proposals compelled an autumn parliament to raise supplies. This parliament sat at Cambridge between September 10 and October 17, 1388, and made the necessary grant. Its roll is not forthcoming, but its work has left its mark on the statute book, and is carefully recorded by the Westminster chronicler.[1] What interested this writer most was the re-enactment of the Statute of Labourers, with new safeguards for binding the labourer to his native village. A sort of internal passport was now devised, which was to be sealed with a special seal for each hundred or borough.[2] In future labourers were not to be taught a trade which might take them from the plough; they were not to carry weapons; they were not, under pretext of pilgrimage, to evade the law against migration. A statutable minimum of wages was re-enacted, although the increased rates sanctioned showed the serious rise in prices since 1351. The begging clauses of the act are regarded as containing the germ of the later poor law. The whole statute shows a reactionary and repressive attitude, suggesting that parliament's memory of the Peasants' Revolt was still vivid.

The labourers were not alone in being suspect. The commons complained of retainers who evaded punishment for their misdeeds by flaunting the cognisances of their masters. They therefore petitioned for a law abolishing the "liveries called cognisances," whether of the king or of other lords, which had been introduced since 1327.[3] The magnates resisted this assault upon their dignity, but a contest between lords and commons was avoided by a compromise, suggested by king and council, that although recent cognisances should be abolished, the abolition should not take effect until the next parliament. These proceedings made it clear that ground for political conflict was not so much avoided as shifted. Instead of the old controversy between the king and

[1] Monk West. pp. 189-198.

[2] "que nul laborer . . . depart hors del ville ou il demoert au fyn del terme pur servir ou demurer en autre ville sanz lettre patent enseale dessouz le seal a ceo assigne"; Statute 12 Ric. II. cap. 8. The seal was to be provided for each hundred and borough, and to be kept by a person appointed by the justices of the peace. The sheriff's "administrative accounts" in *F. 14 R. II. A.B.C.D.F.*, record the cost of making seals in twenty-one shires for use under the statute of Cambridge in 1390-91.

[3] Monk West. p. 190: "qe touz les liverees appelles signes . . . ne soient desoremes donez ne portez mes soient oustes sur payne allimite en ceste present parlement."

the magnates, in which parliament supported the magnates, the prospect was suggested of a fiercer conflict between the knights and commons and the great houses. The crown was fulfilling a useful function in mediating between such forces.

Proposals for more drastic reforms might well have brought about more acute differences than those which disturbed the serenity of the Cambridge parliament. The aristocracy had always looked askance on the radicalism of the courtiers, and knew no ideal except the restoration of the illusory golden age, when each order of the state was content to follow the path allotted to it. Yet within narrow limits the new government was not inefficient. It required some ingenuity for men of the traditions of Thomas Arundel to busy themselves with the restriction of papal provisions, and the limiting of the export of specie from England to Rome.[1] They were more at home in putting down the Wycliffite heresy and purging the court of anti-clericalism. There were one or two minor administrative reforms, and some efforts to put into practice the wishes of the last two parliaments. Thus, the earlier parliament had insisted that no writs of secret seal, or signet, should disturb the law or damage the realm, and it is noteworthy that, in the whole period of the appellants' authority, not a single warranty "by signet letter" appears in the chancery rolls. Indeed, so late as February 1389, a pardon of 1386 was renewed because, three years earlier, it had been "sealed by signet letter of the king."[2] Contrariwise, there was a larger proportion than usual in recent years of writs issued "by the king and council," or "by the council," and some "by king and council in parliament," or "with the assent of the prelates, nobles and magnates and commons in parliament," or "by petition of parliament," or "at the supplication of parliament."[3] Arundel was plainly keen to uphold the dignity and authority of chancery. He had, even in the early days of his chancellorship, ordered that the records of the privy seal should be transferred from the keeper's custody to the Tower of London, to be preserved under the control of the keeper of the rolls of

[1] Compare the petitions of the commons of the Merciless Parliament and the relevant answers touching these matters, in *Rot. Parl.* iii. 250, with the curious harping of the Monk of Westminster, pp. 177-181, on the breach of sanctuary permitted by the ministers. See above, p. 433, n. 1.

[2] *C.P.R., 1388–92*, p. 4.

[3] *Ib., 1385-89*, pp. 459, 465, 517.

chancery, though in separate "chests, coffers and aumbries."[1] If the privy seal were now a new secretariat of state, it was to be a supplement, not a rival, to the great chancery of England.

Such reforms were easier for Arundel to carry out since his fellow minister, John Waltham, keeper of the privy seal, was an old chancery clerk whose reputation as an innovator in chancery methods became a tradition, and whose restless love of change provoked protests during the next generation.[2] The most original and energetic of the group of kinsmen which his great uncle, John Thoresby, had established in the chancery,[3] Waltham had been a powerful personage in that office since the later years of Edward III.[4] Keeper of the rolls between 1381 and 1386, he was, during all that period, a receiver of petitions in every parliament, and is regarded as having had a powerful influence in that development of the judicial side of chancery which was one of the features of Richard II.'s reign.[5] His acquiescence in the removal from his custody of the privy seal records of Edward III.'s reign shows that he was on excellent terms with the chancellor. Two such men as Arundel and Waltham would not be likely to neglect to carry out the injunction imposed upon them by the Merciless Parliament to "survey" the principal "courts,"[6] and we may reasonably attribute to the results of this survey any innovations which we can trace to this period. In particular, we can safely connect their names with a remarkable document

[1] *C.C.R., 1385–89*, p. 196. Mandate of Nov. 22, 1386, to Waltham to deliver to the keeper of the chancery rolls "all petitions, bills, warrants, indentures and memoranda of the late king's time relating to the office of the privy seal which are in his keeping." Mandates to John Burton to receive and keep the same, and to J. Ravenser to buy chests for storing them.

[2] *Rot. Parl.* iv. 84, a petition of 1415 complaining of writs "sub pena et certis de causis faitz et suez hors de vostre chauncellerie et escheqer . . . qe Johan de Waltham . . . de sa subtiltee fist trover et commencier tiel novelrie, encountre la fourme de la commune ley." Compare *ib.* iii. 437, 541, and also n. 5, below.

[3] For Waltham's relations to Thoresby and his clan, see above, pp. 215-216, n. 4. During these years, 1386–89, his kinsman, John Ravenser, was keeper of the hanaper, and his brother, William Waltham, ultimately Ravenser's successor, a rising clerk in the office.

[4] He was already a "king's clerk dwelling in chancery" in 1374; *C.C.R., 1374–77*, p. 86. For details of his preferments, see *D.N.B.*

[5] He is reputed the originator of the writ of *sub poena*, though this was not really a great innovation and had been already employed before his keepership. See Baildon, *Select Cases in Chancery, 1364–71* (S.S.), especially pp. xiv-xv and the references given there. For other "novelties" of Waltham, see later, pp. 461-462.

[6] See above, p. 437.

assigned to their period of office. This was the important *ordinaciones cancellarie domini regis facte anno duodecimo regni regis Ricardi secundi*, which is of vital importance to the administrative historian because it is the first general survey of the organisation of our mediaeval chancery which has survived. Not so much an innovation, or a reform, as a survey and codification of traditional custom, it is the only document which did for the chancery what the household ordinances of 1322–23 had done for the royal household.[1] True, within seven weeks of the end of 12 Richard II., Arundel, Waltham and Gilbert were replaced by other ministers; but it is much more probable that these ordinances were the work of reformers, unrestrained by royal authority, like these three, than that they were drawn up by their conservative and curialist successors within a few weeks of their acceptance of office.[2] We may, therefore, regard Arundel and his colleagues as the persons responsible, and are confirmed in the supposition that the ordinances were the chief result of the survey which the Merciless Parliament had instructed the chancellor, treasurer and keeper of the privy seal, to carry out.[3]

The ordinances of 1388–89 are, like the household ordinances of Edward II., a codification of existing practice, plus an attempt to extirpate or minimise the abuses which a long series of complaints show to have become deeply rooted. We have seen how, under Edward III., and earlier, the unity of the chancery had

[1] The chancery ordinances are printed in G. W. Sanders' *Orders of the High Court of Chancery*, i. 1-7a (1845). They are followed by "Renovacio ordinum cancellarie cum novis addicionibus et reformacionibus eorundem," assigned to the reign of Henry V., and printed in *ib.* 7b-7d. The text presents difficulties, and has no earlier authority than several late transcripts, such as MS. Hargrave, No. 189 and No. 219. But the ordinances were regarded as authoritative in 1622, and internal evidence convinces one of their substantial authenticity and value. It is clear, however, from the names of the chancery officers mentioned as then serving, that the text, as we have it, is not older than the reign of Henry V., when it may have been re-edited and brought up to date by reason of the new chancery reforms of that reign. For further remarks on the subject, see my paper on "The Household of the Chancery and its Disintegration" in *Essays presented to R. L. Poole*, pp. 46-85 (1927), and Sir Henry Maxwell Lyte's *Historical Notes on the Use of the Great Seal*, especially ch. i. pp. 1-19. A fuller account is given in Dr. Wilkinson's thesis on the chancery under Edward III., which is now in the press.

[2] 12 Richard II. ended on June 21 in that year. We shall see that on May 4 a radical change in the ministry was effected. See later, pp. 454-456.

[3] See above, p. 437. Compare also above, pp. 380-382, for a more definite plan for such a review of the ministries in the parliament of 1381–82.

been somewhat impaired by the sharp division of its clerks into three "forms" or divisions. These distinctions were strongly emphasised in the ordinances, and were enforced by stressing the dignity of the twelve major clerks, the clerks of the "first form" or the *clerici ad robas*, who were already beginning to be called by the alternative designation of "masters of chancery." Each of these had the privilege of having three clerks writing under his direction, to whom he stood as "master." The most dignified of the twelve, the keeper of the rolls of chancery, was exceptionally allowed to have six clerks writing in the rolls under his superintendence, because of the increase of business in his department. This was the beginning of the office of the "six clerks," and if any innovation were made by the ordinance, it was in the institution of these six clerks. This is the more likely since John Waltham, the keeper of the privy seal and the colleague of Arundel in his reforms, was a former keeper of the rolls, and therefore cognisant of the immense labour which the compilation of such records involved. Among the clerks of the first form were two privileged personages called preceptors, who shared with the keeper of the rolls the exclusive power of folding writs for sealing. The twelve alone received robes from the crown, and had right to the gratuitous meals provided in the *hospicium cancellarie* out of the chancellor's fee. They were to live either in groups or separately, but were not to consort with other clerks of lower grade. Henceforth it is certain that these major clerks had houses of their own in which they lived in not inconsiderable state, sometimes alone, sometimes in common with other first grade clerks. If sometimes they received into such houses minor clerks, or candidates for clerkships, these latter were only suffered to dwell with them in a strictly subordinate capacity.

A deep line was drawn between the clerks of the first and second form. Yet the latter group included men of considerable position, for the keeper of the hanaper was normally a clerk of the second form, as were the two clerks of the crown, whose importance in relation to parliament we have already had occasion to point out. With the exception of these three, no single clerk of the second form was to have under him more than one clerk, and no writs issued by them were allowed to be tendered for sealing, until they had been examined and approved by a clerk

of the first form. Below them was the third "form" of the twenty-four *cursistae*, or cursitors, the writers of "writs of course." These officers, though enjoying many of the privileges of their superior colleagues, had little chance of promotion or of showing their individuality. There were also sub-departments which in a fashion cut across the three forms. Besides the older offices of the rolls and the hanaper, there was now the office of the clerks of the crown, the office of the petty bag, and also probably already the office of the almonry, with its eight clerks devoted to redressing the wrongs of "persons of poor estate and lacking means to sue by the common law."[1] Taking all these groups together, the chancery staff must have been at least a hundred and twenty strong, bound together, despite hierarchical separations of degree, by the traditions of a common calling, common interests, common knowledge and common privileges.

The ordinances were devised to stimulate class consciousness within the office. The chancery was an exclusive society which almost claimed the right of electing its new members. No clerk was to be received either into the first or second form save by "due election and judgment of the clerks of the first form then present." The chancellor was only to appoint his subordinates with the advice of the senior clerks.[2] The omission of the king as a person to be consulted on such matters is reminiscent of the moment at which the ordinances were issued. The whole scheme, as it is thus outlined, suggests a sort of bureaucratic independence, out of harmony with the traditions of the office. On the other hand, a string of prohibitions emphasised the responsibilities of the high calling of clerks of chancery. They were to abstain from "dishonest business" or from receiving presents. They were not to reveal secrets of state. They were to dress soberly, and not in coloured robes. They were not to haunt the court or the households of ministers in the hope of attracting business. They were compelled to regular attendance. Only the clerks of the crown were allowed to marry, and here, as elsewhere, the

[1] *C.C.R., 1377-81*, pp. 475-476.

[2] That this aspiration was embodied in practice is seen by *C.F.R., 1377–83*, p. 130, where in 1379 the king appointed a keeper of the hanaper on the nepotistic nomination of the outgoing keeper and at the instance of certain persons informing him of the high qualifications of the nominee. See also above, pp. 215-217.

prohibition doubtless indicates that the thing forbidden was already commonly done.

The provisions for residence are of special interest. They show that the old idea of the corporate "household of the chancery" was obsolete, except so far as it survived in the sectional *hospicium* of the keeper of the rolls. Each class was to live by itself, and not to associate with others of lesser degree or rank, in order to preserve the dignity of its station. Even the cursitors were obliged to dwell in one or several "honourable *hospicia*" and not to live among apprentices of law, attorneys, clerks of other courts, or other persons outside the chancery. Over each *hospicium* there was to be a principal, responsible to a committee of first form clerks, appointed to supervise the lodging of their junior colleagues.

Thus there grew up *hospicia cancellarie* in that legal and official quarter round the permanent home of the keeper of the rolls in the old Domus Conversorum, hard by the quarters where the students, and apprentices, of the common law were already establishing their own inns, or *hospicia*. The inmates of the two groups of inns were numerous enough for them to play games together. The numbers of those dwelling in chancery inns were increased by the habit of some of the clerks taking to live with them pupils, who learnt, under direction, how to become clerks by a sort of apprenticeship, very much like that of the students of the common law. Though chancery was becoming more and more of a law court, it was still primarily an administrative office. There might well be a few legal specialists brought in from the outside, doctors of civil or canon law from the universities, or notaries of the apostolic see or the holy empire, often employed on diplomatic missions. But men of the type represented, in this generation, by such men as Walter Skirlaw and Richard Ronhale,[1] were the exceptions: the ordinary clerk learnt his trade by apprenticeship with a senior master.

Yet a knowledge of writs was not only essential in a chancery clerk, it was already the very foundation of the science of the

[1] This variously spelt name is derived from the village of Renhold, a few miles north-east of Bedford. Mr. Richard Ronhale was a doctor of laws, who was appointed by patent a clerk of the first form in October 1382 in succession to Skirlaw; *C.P.R., 1381–85*, p. 168. He took a prominent part in the negotiations for truces with France. See above, p. 439, n. 1.

common lawyer. The acquisition of such knowledge was the one common element in the education of the apprentice of the law and that of the would be clerk of the chancery. It looks as if the common law students found in the *hospicia cancellarie* the best facilities for the study of writs. Accordingly, they flocked to them in such numbers that there was good reason for the prohibition of the association of clerks and lawyers in the same *hospicium*, though, in spite of all, the common lawyers ultimately prevailed. They were more numerous, more socially influential, and better provided with funds. The splendour which, from the fifteenth century, surrounded the "inns of court" of the common lawyers never extended to the humble "inns of chancery." In the fifteenth century the common lawyers claimed the "inns of chancery" as their own. They crowded out the chancery clerks and their pupils, and turned their sometime abodes into the preliminary schools of common law, still known as "inns of chancery," which had lost their usefulness long before their piecemeal extinction in comparatively recent times. Meanwhile the educational facilities in the "suburb of London" were making possible an educated lay bureaucracy of officials and lawyers in addition to that clerical bureaucracy which survived to the Reformation in the clerks of chancery. In the growth of such classes of trained lawyers, administrators and officials, lay the best hope of any alternative to the rule of the monarch or the magnate. For the moment, the magnate did as much as the monarch to foster the fortunes of such a class: and in this, as in later generations, its services were equally at the disposal of king and baron.

We have gone far away from the chancery ordinances of archbishop Arundel, but certain general reflections as to administrative progress naturally arise from their consideration. More relevant to our immediate purpose is a consideration of the remarkable fact that the chancery clerks of this period, far from being the agents of prerogative, showed, in general, a disposition towards parliamentary and constitutional courses. This is the more important, since the whole administration and technique of parliament rested exclusively with the chancery clerks. They issued the writs of summons which brought parliaments together, and the expenses writs which sent knights and burgesses home

with an easy proof of their claim for wages. Chancery clerks also received and sifted petitions, whether from an estate, a group, or an individual, and presented them to the more dignified "triers of petitions," who were magnates and judges, authorised to consult ministers and sergeants-at-law when they needed advice. The same "receivers of petitions" acted year after year, no matter what political changes occurred, and always among them were some of the leading clerks of chancery, the keeper of the chancery rolls being, as a matter of course, the first named on the list. Usually the triers were "assigned" by the king, but in 1385 they were nominated by the clerk of parliament,[1] himself always a chancery clerk.[2] Among the duties of the clerk of parliament were the keeping of the elaborate rolls which recorded its proceedings, and the drafting and enrolment of the statutes into which accepted petitions were supposed to be turned. Under Edward III. there was also an under clerk of parliament, who by 1388 was called clerk of the commons.[3] This officer was also chosen from the chancery clerks. The two clerks of the crown were equally clerks of chancery, and their share in Richard II.'s parliaments was, as we have seen, very considerable.[4] Neither was this influence of chancery clerks on parliament and its procedure by any means invariably on the side of the prerogative. The strong constitutionalism of the chancery clerks employed in the service of Richard II.'s parliaments has already been emphasised. Even the extreme attitude of the Merciless Parliament did not offend them, and their influence may perhaps be seen in the emphasis

[1] *Rot. Parl.* iii. 203: "certi clerici de cancellaria per clericum parliamenti distincte et aperte sunt nominandi."

[2] Under Edward III. the clerks of parliament included Henry Edwinstow (1330–32), Thomas Drayton (1340), and John Codington (1351). Under Richard II. John Scarle was recorded as clerk from 1384 to 1394 inclusive. As names are only accidentally recorded, Scarle may have acted up to 1397, when he ceased to be trier of petitions. The fact that in 1394 he became keeper of the chancery rolls increases this probability.

[3] John Scarborough was "under clerk of parliament" under Richard II., and received on that account a grant for life on Mar. 5; *C.P.R., 1381–85*, p. 535. A similar grant had been paid to Robert Melton, deceased, by letters patent of Edward III. He was the first recorded holder of this office. Scarborough was still acting in the Merciless Parliament, and received a special grant at the request of the commons; *Rot. Parl.* iii. 245. He is, perhaps, the first to be called "clerk of the commons."

[4] See above, pp. 431, n. 2, 432, n. 1. The lords appellant procured a special grant to Geoffrey Martin, clerk of the crown, for his services in the Merciless Parliament; *Rot. Parl.* iii. 245.

laid upon the superiority of the law of parliament over common law, civil law and even canon law.

Despite the opportunities which chancery clerks had to interfere in politics, their normal position was that of permanent public servants, whose duty was to serve the state, irrespective of the shiftings of political feeling among the ruling classes. Violent as were the political crises of Richard II.'s reign, they did little to affect the continuity in office of the public service of the crown. Elsewhere the continuity of service among the officers of the wardrobes will be brought out in detail. Even the intensely personal king's chamber was no exception; for, in spite of the overhauling of 1388, the king still kept by his side some of the less offensive of his chamber officers. We shall find that continuity even more pronounced in such minor offices as that of the privy seal. We have seen it marked in the chancery; it was yet more conspicuous in the exchequer of Richard II.

In defining the position of the chief officers of the great ministries of state, we must, of course, except the political heads who controlled policy. To the ordinary subordinate, his office presented a life career, and one in which, if he belonged to the not infrequent official families, he would find relatives and neighbours from his native district, and to which he might hope to introduce other kinsfolk and friends. We have given one conspicuous example in the chancery, namely the Thoresby clan, which was still represented by the Walthams and the Ravensers in Richard's reign.[1] A few people at the top might leave the office on receiving high preferment in the church or in the law; but to the majority, prebends and livings were but supplements to a scanty income or the retiring pension when old age compelled the abandonment of their life's work. To the lay civil servant, who was now ceasing to be a rarity, there were even less temptations to forsake his office, because he had fewer external openings than the cleric. The best he could expect on his retirement was a modest pension from the exchequer; the worst a corrody in some monastery.

Let us illustrate this by a few examples from the chancery

[1] See above, pp. 215-216. Besides the persons there mentioned there were at this period several other chancery clerks who took their names from villages in Lindsey. Scarle, an Axholme name, is the most conspicuous of them.

and the exchequer of Richard II. William Burstall, already keeper of the chancery rolls since 1371, remained in office till 1381. His successor, John Waltham, archbishop Thoresby's great-nephew, was acting from 1381 to 1386, and only ceased because of his promotion to the privy seal, which gave him, as we have seen, a hand in reforming on practical lines the office in which he had been brought up. John Burton succeeded him, and, despite political revolutions, went on from 1386 to 1394, when he died. Why John Scarle, appointed to the rolls in 1394, was superseded in 1397 by Thomas Stanley is not clear;[1] but it is certain that Scarle was not in disgrace, though it was only with Lancaster's triumph that he rose to be chancellor. The hanaper, controlled by three members of the Ravenser-Waltham clan for the whole of the reign, provides the most striking instance of continuity. All this stands in strong contrast to the thirteen different chancellors during the two and twenty years of Richard II.'s reign.

In these trying times the two judicial benches were, more than usually, drawn into the political whirl. There were general changes in both king's and common benches in one direction in 1388, in the contrary direction in 1389, and once again in 1397. In comparison, the exchequer suffered little from political disturbances. What new blood came in, came through the treasurers, who were never, and chief barons, who were only rarely, exchequer officials before their appointment. Here we can see clearly the ebb and flow of political influence. There were ten treasurers in this reign of twenty-two years, but only five chief barons. Political changes were responsible for the rise and fall of chief baron Pleasington, and for such party appointments as those of his successors, John Cary and Thomas Pinchbeck, who acted between 1386 and 1388. In 1389 John Cassy's appointment resulted from the assumption of power by the king, but he remained in office over the Lancastrian revolution and served Henry IV. until his death in 1400. This approached more the normal state of things. The lesser barons continued in office, regardless of political change, but most continuity was enjoyed

[1] Scarle's accounts for the Domus Conversorum are enrolled in *En. Accts.* F, 18 R. II. 29/F, and 21 R. II. 32/B; and he accounted from July 21, 1394, to May 8, 1396, and from May 8, 1396, to Sept. 11, 1397. His second account was presented by his attorney; *M.R.K.R.* 175, breu. dir. bar., Mich. t., m. 18.

by the subordinate officers, especially those of the receipt. Thus John Hermesthorp was the "Beauchamp" chamberlain of the receipt between 1376 and 1397, when John Oudeby succeeded him and outlasted the reign.

During these twenty years Hermesthorp had several colleagues. First there was Robert Crull, acting since 1376 as king's chamberlain. He was succeeded by John Bacon, the king's favourite, in 1377. On Bacon's resignation Thomas Orgrave, treasurer's clerk, became chamberlain early in 1385; but he died early, and his place was taken by John Lincoln of Grimsby in November 1386. In 1388 Arnold Brocas, formerly clerk of the king's works, followed on Lincoln's deposition and acted until 1396, when John Godmaston, like Brocas, clerk of the king's works, was appointed and served long enough to be reappointed by Henry IV. The only suggestion of politics in these changes is conveyed by John Lincoln's removal for his devotion to the king. Technical knowledge, not politics, was what was required from an exchequer officer. This is brought out by the petition of the commons in 1381, accepted by the king, that no baron or other chief minister of the exchequer be appointed, unless he be a man well skilled in the common law, or otherwise well acquainted with the laws, course and usages of the exchequer.[1] It will be noted, however, that no officer of the receipt was included in the list of "chief ministers" specified in the petition. A large number of other petitions of the same parliament complained of various "great defects and evil usages" in the exchequer to the harm of the people, and without advantage to the king.[2] To these elaborate but not very conclusive statements, replies were given; but it is hard to say whether any real reformation resulted from the commons' action.

An interesting feature of the chamberlains of the receipt in this reign is their habit of combining their exchequer post with other duties. Notable instances include John Hermesthorp, who duplicated with his chamberlainship the keeping of the privy wardrobe between 1381 and 1382, and, for a time, the controllership of London customs. Bacon combined his exchequer post with the king's secretaryship and the receivership of the chamber. Though Brocas resigned the office of works when he

[1] *Rot. Parl.* iii. 119.

[2] *Ib.* iii. 118-119.

went to the exchequer, Godmaston held both posts together until the end of the reign. As his work for the king included a specific charge to "repair" Westminster Hall,[1] the completeness of the reconstruction of that glory of Richard's reign suggests that his pluralism did not destroy his efficiency.

The quiet period of sound administration, mild reformation and slow progress towards pacific settlement with foreign enemies went on without interruption. Richard had apparently accepted his defeat, and bided his time with a patience that was a new feature of his character. The disposition of his masters to let bygones be bygones left him in comparative comfort, as long as he did not assert his own will in anything that mattered. He still had some of his friends round him in his household and chamber, and gradually some of those, whom the appellants had driven away, crept back to court. Even before the end of the Merciless Parliament some of his old friends were set at liberty.[2] Pensions were provided for the judges and the king's old confessor in their exile in Ireland. Some liberality was shown to the widows and heirs of the victims of 1388. Alexander Neville, captured at Newcastle, was allowed to escape to the continent, though the clerk, John Ripon, seized near Tutbury, was sent under ignominious circumstances to prison in the Tower.[3]

During these troubles the king consoled himself for his political helplessness by the distractions which beseemed his station. After the dissolution of the Merciless Parliament, Richard refreshed himself by an autumn devoted to hunting.[4] He then duly attended the Cambridge parliament, taking up his quarters with the canons of Barnwell. He spent Christmas at Eltham, diverting himself with tournaments and other seasonable sports.[5] In

[1] *C.P.R., 1391–96*, pp. 348-349.

[2] For instance, the three knights—William Eltham, Thomas Trivet and Nicholas Dagworth—were released under sureties on May 30, 1388; Monk West. p. 181. This is exactly confirmed by *C.C.R., 1385–89*, pp. 397-398. On Oct. 6 other imprisoned knights were released. Similar favour was shown on June 4 to the clerks—Medford, Clifford, Slake and John Lincoln; Monk West. p. 199; *C.C.R., 1385–89*, p. 414.

[3] Monk West. pp. 183-184. On July 16, 1389, the constable of the Tower was directed to permit him to have his tonsure "renewed as beseems his order of priest"; *C.C.R., 1389–92*, p. 2. He was only released on an order dated June 19 1393; *ib. 1392*; *ib.* p. 69.

[4] *Ib.* p. 183. "Rex vero deinceps per totum autumnum venationi indulsit."

[5] *Ib.* pp. 201-202. "In multis hastiludiis et jocundis solatiis congruentibus festivitati."

January 1389, at a great council at Westminster, he took sides with his uncle Gloucester against the monks of Westminster, who had a fierce dispute with the canons of St. Stephen's.[1] By February he plucked up courage to seek the election of his old secretary, Medford, to the bishopric of St. David's; but the pope, irritated by recent renewal of legislation against provisors, preferred to "provide" the treasurer, bishop Gilbert, to that see. Thus Richard kept himself under control until the spring of 1389, when a sudden assertion of his authority put an abrupt end to the rule of the appellants, and established for the first time his full sovereignty.

[1] *Ib.* pp. 202-205.

SECTION III

The Period of Compromise, 1389–1395

On May 3, 1389, a council met in the Marcolf chamber within Westminster Palace. It was probably a "great council," strengthened by magnates specially summoned.[1] To this body Richard declared that, as he was now in his twenty-second year, he was entitled to the rights which the meanest heir in his kingdom acquired on attaining his majority. The magnates assured him that it was both his right and his duty to take upon himself the responsibilities of sovereignty. "You know well," replied Richard, "that for the twelve years of my reign, I and my realm have been ruled by others, and my people oppressed year by year with grievous taxes. Henceforth, with God's help, I shall labour assiduously to bring my realm to greater peace and prosperity. Up to now, I have been allowed to do nothing without my protectors. Now I will remove all of these men from my council, summon to advise me whomsoever I will, and transact my own business myself. I, therefore, order as a first step that the chancellor shall surrender to me the seal."[2] Thereupon archbishop Neville resigned the seal into the king's hands.[3] This was enough for the day. It showed in dramatic fashion that Richard had come into his own.

Next day, May 4, the council again met in the Marcolf

[1] This is an inference based on (1) the "convocatis proceribus et multis regni valentibus," the "ubi proceres ejus praestolabantur adventum" and the "barones" of Walsingham ii. 184; less clearly, on (2) the "in principio mensis Maii, rex tenuit suum consilium apud Westmonasterium," and the "quaesivit a dominis universis" of Monk West. p. 210; and, (3) most decisively, on the "de avisamento et assensu prelatorum, procerum et magnatum regni nostri" of the proclamation of May 8 in *Foedera*, vii. 618-619. The situation presupposes a gathering of magnates, rather than an ordinary meeting of the little group of the appellants and their friends which constituted the normal council of the period. This group would certainly have resisted the king's action, and the larger assembly was neccssary both to neutralise their hostility and for the dramatic effect which Richard meant to produce.

[2] This is an attempt to put together the remarks attributed to the king by Monk West. and Walsingham, with a leaning towards the former as the less prejudiced account.

[3] *Foedera*, vii. 616-617. "Super deliberacione magni sigilli."

chamber. William Wykeham, despite his reluctance, was forced to receive the great seal and to take the chancellor's oath. Then bishop Brantingham was appointed treasurer in succession to John Gilbert, bishop of Hereford,[1] and John Waltham, bishop of Salisbury, was replaced as keeper of the privy seal by Mr. Edmund Stafford.[2] Other changes quickly followed. Gloucester and Warwick were dismissed from the council. Arundel lost the office of admiral, and was succeeded by John Holland, earl of Huntingdon, the king's brother, who also received his other office of captain of Brest.[3]

A fairly complete purgation of the two benches ensued. Existing judges, who had replaced those dismissed in 1388 for subscribing to the Nottingham judgment, were compelled to submit to reappointment. These included, on May 6, Robert Charlton, chief justice of the common bench; William Thirning, justice of the same bench;[4] and Walter Clopton, chief justice *coram rege*.[5] Moreover, on May 20 three new judges—William Rickhill, John Wadham and Richard Sydenham—were also appointed to the common bench,[6] and two to the king's bench—John Hill and Hugh Hals—thus restoring, to the staff dealing with *coram rege* pleas, its traditional number of three judges.[7] In all, five new justices were appointed.[8] By the end of the month the two benches were fully staffed by men who owed their position to the king's personal act, and were encouraged by additions to

[1] *C.P.R., 1388–92*, p. 31.

[2] *C.C.R., 1385–89*, p. 591. Mandate of June 3 to the exchequer to pay Master Edmund de Stafford wages and allowances from May 4, as on that day he took upon himself the keeping of the privy seal. For Stafford's career see later, pp. 462-463.

[3] *C.C.R., 1385–89*, p. 590, speaks of John de Roches as "admiral of the fleet to the west and north" on May 30, and calls Arundel "late admiral" on June 7. John Holland was appointed admiral on May 18, 1389 (*Treaty Roll*, 73/4), and captain of Brest on June 1 (*Foedera*, vii. 22).

[4] *C.P.R., 1388–92*, p. 31. Charlton had already received formal appointment in succession to Bealknap on Jan. 30, 1388; *ib., 1385–89*, p. 400. Thirning was appointed on April 11, 1388; *ib.* p. 429. The earlier appointments were warranted "by king and council," the later ones "by the king."

[5] *C.C.R., 1385–89*, p. 581; *C.P.R., 1385–89*, p. 447.

[6] *C.P.R., 1388–92*, p. 43.

[7] *C.C.R., 1385–89*, p. 591. This is not an appointment, but a mandate to the chief justice to admit them. Similarly *C.P.R., 1388–92*, p. 43, is a grant of additional salary to them.

[8] Walsingham's "rex creavit justiciarios novos quinque" (ii. 182) is thus absolutely accurate.

their salaries. Besides this, there were changes also in the exchequer, where on May 12 the chief baron, Thomas Pinchbeck, was replaced by John Cassy,[1] though the other barons of the exchequer were reappointed, according to the precedent of the justices.[2]

These changes were given point when, on May 8, letters close directed the sheriffs to proclaim that the king, on the advice of the magnates, had assumed the entire governance of his realm, hoping thereby to rule, with the deliberation of his council, more prosperously than heretofore. But all graces and pardons made in the Merciless Parliament were to remain in force, and no man was to be impeached for any of the acts then condoned. Unlawful assemblies to the disturbance of the peace were sternly forbidden, and all who felt aggrieved were to seek remedy with the king and his council.[3] As an earnest of favours to come, Richard, on May 16, "of his own mere motion, without advice from any one,"[4] postponed the collection of a portion of the last subsidy, on the double ground of the excessive taxation during the minority, and the hope of an understanding with the French. The conclusion of a three-years' truce, soon extended to Scotland, showed that the new administration was as good as its word. Sound government, domestic and external peace, and remission of taxation seemed at once to flow from the assumption by the young king of the duties of his office.

There was a spectacular element in all this. Public opinion had to be impressed with the reality and the solid results of the new move. So well was the desired impression made that the chroniclers tend on the whole to over-emphasise the amount of change effected. Thus, we are told by the Monk of Westminster that Richard removed "all officers, both greater and less, even

[1] *C.P.R., 1388–92*, p. 29. Warranted "by the king."

[2] *Ib.* p. 29. Lawrence Allerthorp, nominated secondary, had been a baron since 1375, and earlier, auditor of the exchequer, 1366-68. He was a fairly well beneficed king's clerk, and became treasurer under Henry IV. His only clerical colleague, William Dowbridge, had been auditor from 1374 to 1388, when he was made baron. These two represent the old-fashioned type of professional exchequer clerks, receiving promotion after long service. But there was already a large proportion of barons, appointed from outside, who were normally laymen. Such were Cassy's two colleagues—Richard Stokes, baron since 1377, and William Ford, baron since 1384.

[3] *Foedera*, vii. 618-619; *Rot. Parl.* iii. 404; *C.C.R., 1385–89*, p. 671.

[4] *Foedera*, vii. 620-621. "Ex speciali et mero motu nostro, nullius alterius interveniente consilio."

those beyond sea", especially those appointed by the appellants.[1] That steps were taken in this direction is clear from the minutes of the council,[2] from the reconstitution of the Irish exchequer, and from the appointment as justice of Ireland of Sir John Stanley, who had previously acted as deputy of Robert Vere.[3] The council resolved also to review the proceedings of great offices outside England, such as the constableship of Bordeaux, the treasurership of Calais, and the chamberlainships of Wales. It reaffirmed the principles, laid down by parliament, that all appointments for life should be cancelled and the fitness of all existing officers considered. But there is no proof of the statement of the Westminster chronicler that Richard "ejected from his household about four hundred persons, especially those brought into it by the barons."[4] The evidence points to gradual and minor changes only, such as we should expect, for, even in the baronial period, the clearance of the household had never been very drastic. Another change is said to have been effected in the autumn by Richard's taking into the hands of himself and his "private council" the election of all the sheriffs of England.[5]

These changes were but the consummation of a long process. Even before the act of May 3, the ejected favourites had gradually been creeping back into office, and that with no apparent opposition from the appellants. Medford was restored to court, and seems to have continued to act as king's secretary, while Geoffrey Chaucer had never lost his position as an esquire of the household. These two old courtiers were soon cautiously given preferment. Thus in 1390 Richard succeeded in procuring for Medford the see of Chichester,[6] and on July 12 Chaucer was

[1] Monk West. p. 211.

[2] *A.P.C.* i. 6-11. The minutes of council, Aug. 20, 1389.

[3] *C.P.R., 1389–92*, p. 91, shows his appointment was on Aug. 1. On Aug. 20 council made provision for his salary and escort. Already in June and July the Irish exchequer had been given a new chief baron, secondary baron, chancellor of the exchequer and chief remembrancer; *C.P.R., 1389–92*, pp. 49, 72, 76 and 83. A new Irish chancellor was appointed on Aug. 27; *ib.* p. 109.

[4] Monk West. p. 211.

[5] *Ib.* p. 217. "Quo in tempore rex cum consilio suo privato eligit sibi vicecomites per Angliam universaliter, fecitque sibi jurare ut bene et fideliter in eorum officiis se haberent, qui solebant antea per cancellarium, thesaurarium, clericum privati sigilli et per barones de scaccario praefici et ordinari."

[6] When Adam Houghton died on Feb. 13, 1389, the king's favour procured the election of Medford as his successor; but the pope "provided" bishop Gilbert, the treasurer, to the see of St. David's; Monk West. p. 205.

appointed clerk of the king's works.[1] With these exceptions, Richard was content still to abide by the legislation of 1388. He made no attempt to recall the exiles of the Merciless Parliament. He allowed Vere to die in poverty and banishment in Flanders, and Suffolk to die in like circumstances in France. The deposed judges still languished on their scanty pensions in Ireland. Even the king's former confessor, though comforted by an increased pension and translation to a nominal bishopric in Ulster, remained in banishment until his death.[2]

That Richard cherished so little rancour towards his old enemies was in real contrast to the harshness of the appellants. Inevitably he hated Gloucester, Arundel and Warwick, but otherwise he seemed to be sincerely anxious to let bygones be bygones. Indeed, he was not even vindictive towards these three, for Gloucester and Arundel were soon restored to the council, and Gloucester was suffered to continue justice of Cheshire and North Wales. While the earl of Arundel was thus gently treated, his brother Thomas Arundel was allowed translation to the throne of York, and in 1391 was brought back to the chancery. Still more favour was shown to the two younger appellants—Nottingham and Derby. A politic desire to detach them from their associates may have influenced the king, but his friendship with Nottingham, at least, seems to have been quite genuine. Nottingham's appointment to the captaincy of Berwick and the wardenship of the East March, on June 1, 1389, may be regarded as consequential on the king's assumption of power. This was only the first of a series of promotions which entirely estranged the earl marshal from the appellants' cause. He was restored, with Derby, to the royal council after a few months' exclusion. Richard's eager zeal to confer a large grant upon him provoked the opposition of William of Wykeham and a hot dispute between the king and his chancellor.[3]

The return of John of Gaunt to England in October 1389 probably secured the reconciliation between Richard and Henry of Derby, although this was far from being so complete as that with Nottingham. With the duke's reappearance in English politics the whole weight of the Lancastrian influence was thrown

[1] *C.P.R., 1388–92*, p. 82. Compare *ib.* p. 288.
[2] *Foedera*, vii. 633, 664.
[3] *A.P.C.* i. 11, 12.

once more on the side of the court. The chroniclers friendly to Lancaster claim that his influence saved Richard from many excesses, and did much to convince him that Gloucester was not always plotting against him. But Lancaster was no longer so active as he had been. Such authority as he had, however, was henceforward at his nephew's disposal. The duke's admirers stressed the part he had played in establishing friendly relations between Richard and the distrustful magnates.[1] But John's great service to the king was the break up of the combination which had made possible the appeal of 1388.

The differences in policy between the king and the magnates seemed to disappear with the mitigation of their personal animosities. Indeed, the changes of May 1389 were rather a display of the king's power than an indication of a change of policy. Even the truce with France and Scotland, for which Richard claimed the credit, was negotiated by an embassy appointed by the barons of the appeal. The ministers removed in May were in nowise disgraced, and their supplanters were men of moderation. Moreover, Wykeham and Brantingham were elderly and inactive, and had accepted office unwillingly. Wykeham, the professional administrator, showed so much irritation at Richard's characteristic lavishness that the king at last peremptorily ordered him to surrender the seal to a temporary keeper, that acts which Wykeham had refused to sanction might be sealed despite his opposition.[2] Brantingham, who had served the state for a generation, was so broken in health that within three months he procured his release from office. Soon afterwards, he was exempted for life from attendance at parliaments and councils in consideration of his long-continued labours, his age and his infirmity.[3] He withdrew to his diocese and died six years later.

How little political differences now weighed in appointments

[1] Walsingham, ii. 194-195. "Percepit regem non rectis oculis quosdam de proceribus velle respicere, et metuit orituras eo tempore simultates quas omnino sedare disposuit in adventu suo. Neque frustra quidem laboravit, sed id effecit ut et pacem cordi regis, pacemque magnatum pectoribus infunderet gratiose."

[2] Maxwell Lyte (*Great Seal*, p. 321) prints this very categorical illustration of the king's displeasure. To the writ "under the queen's signet" the king added, in his own hand, "Le Roy R. S. sawnz departyr."

[3] *C.P.R., 1388–92*, p. 102; *Foedera*, vii. 643.

is shown by the fact that John Gilbert was, on August 20, restored to the office from which he had been expelled in May.[1] Gilbert had meanwhile been translated from Hereford to the richer diocese of St. David's and his earlier baronial leanings seem to have been forgiven or forgotten. Anxiety was still shown that ministers should have the support of public opinion. When, on January 17, 1390, there assembled at Westminster the first parliament after the ministerial revolution, a curious comedy was enacted. On Thursday, January 20, the chancellor, treasurer and " all the lords of the great council, except the clerk of the privy seal," prayed the king to consider the great labour and expense they had incurred in their offices, and to discharge them, putting good and sufficient persons in their place. Thereupon the king discharged them, along with the lords of the council. The dismissed officers then prayed that any who had to complain of them should declare their grievances in parliament. Next day the commons informed the duke of Lancaster, who represented the king, that, after diligent discussion, they had no complaints to make, and that the ministers deserved for their good services the thanks of parliament. As the lords and prelates agreed with the commons, the king declared the ministers good and loyal. He restored the great seal to Wykeham and the keys of the treasury to Gilbert. He reappointed his old councillors to his council, and added to them the dukes of Lancaster and Gloucester. He protested, however, that his action was not to be made a precedent, for he wished to be free to remove and appoint officers and councillors at his pleasure.[2] Thus a declaration of the royal right minimised the value of such a parliamentary vote of confidence in the ministry. The exemption of the keeper of the privy seal from this ordeal suggests that he was still regarded to some extent as a minister of the household.

Parliamentary faith in the ministry was not unbounded. When an additional subsidy was granted, it was provided that it should be earmarked for the war and administered by a treasurer and controller appointed, as in 1377, for the purpose, and answerable to the next parliament.[3] There were in consequence two treasurers and two controllers appointed, who were discharged

[1] *C.P.R., 1388–92*, p. 95.
[2] *Rot. Parl.* iii. 258.
[3] *Rot. Parl.* iii. 262-263.

early in 1391 on a certificate from the exchequer that they had duly fulfilled their task.[1] But the appointment of John Waltham, a minister, as one of the controllers prevented the independent survey that the commons had desired. Moreover, neither treasurer nor chancellor enjoyed for long the results of the expression of confidence. Bishop Gilbert resigned the treasurership on May 2, 1391, and Wykeham followed him into retirement some four months later. Wykeham did not always see eye to eye with the extravagant king;[2] he was approaching his seventieth year, and his great ambitions were to complete the rebuilding of the nave of his cathedral and to see opened his new school under its shadow. Accordingly, on September 27, 1391, he finally surrendered the seal.[3] Richard forthwith appointed the archbishop of York as his successor, and, more astonishing still, Thomas remained chancellor for five years. The reconciliation between the king and the clerical adherents of the appellants was so complete that, besides taking back Arundel, Richard chose as treasurer John Waltham, now bishop of Salisbury, who had stood so manfully by Arundel's side between 1386–89. Waltham was appointed treasurer on May 2, 1391,[4] and remained in office until his death, more than four years later, on September 18, 1395.[5] Even as a royalist, Waltham remained a reformer. His success in extending the collection of export duties from broadcloth to all sorts of cloth exposed his memory to the same denunciations as had been excited by his chancery innovations.[6] But he at least served Richard well, and the king showed his affectionate regard for his memory by burying him "among the

[1] *C.P.R., 1391–96*, p. 9, shows that the treasurers were William Fulburn, clerk, and John Hadley, citizen of London; and their controllers John Waltham, bishop of Salisbury, and John, lord Cobham.

[2] See above, p. 459, n. 2.

[3] *Foedera*, vii. 707.

[4] *C.P.R., 1388–92*, p. 402. "Treasurer of the exchequer in Ireland" is an obvious blunder.

[5] *Ib., 1391–96*, p. 620. Mandate of Sept. 20, 1395, to his executors to surrender the rolls and keys of office. The date of death is shown in *C.R.* 262, m. 13d, giving the order of the convent for the commemoration of his death on "die obitus predicti nuper episcopi, videlicet decimo octavo die mensis Septembris."

[6] *Rot. Parl.* iii. 437, 541, give petitions of 1399 and 1404 against the innovation of sealing with a special seal kerseys, and other inferior cloth, as evidence of their liability to pay customs like broadcloth, which is in each case attributed to Waltham when treasurer. For the growing importance of this trade see H. L. Gray, "English Woollens in the Fourteenth Century"; *E.H.R.* xxxix. 13-35.

kings" in the Confessor's chapel at Westminster, overpowering the reluctance of the monks, and setting the first precedent of burial in the abbey as a recognition of exceptional merit.[1] The funeral took place on November 10, and in future years Richard honoured Waltham's memory by attending on that date his anniversary requiem.[2] For us the interest of Waltham's career lies in the evidence it affords that a good chancery clerk could still be a baronial partisan, and, after attaining and losing high office on that ground, could soon develop into a favourite of the king. It presents a strong warning against the danger of over-emphasising the permanence of mediaeval parties.

Edmund Stafford, the keeper of the privy seal, was the son of Sir Richard Stafford, whom we have known as the brother of the first earl of Stafford, the lifelong servant of the Black Prince, a member of the first continual councils of Richard's minority, and a "banneret" summoned regularly to parliament. To the son of such a dignitary church preferment came easily, and Edmund, already a bachelor of arts and a student of civil law, was a canon of Lichfield so early as 1363.[3] Later he became a doctor of law and chancellor of Oxford University. He succeeded to his father's estates in 1380,[4] and was in 1385 made a dean of York. He seems to have been an advocate in the ecclesiastical courts and the court of Rome, but he was hardly in regular state employment until his sudden elevation to a ministerial post diverted his future to the service of the crown. Keeper of the privy seal from 1389 to 1395, the only official exempted from the ostentatious surrender of 1390, he attached himself closely to the service of king Richard and had his reward in the bishopric of Exeter,[5]

[1] Walsingham, ii. 218. "Qui tantum regi complacuerat ut etiam, multis licet murmurantibus, rege jubente apud Westmonasterium inter reges meruit sepulturam." Richard gave "quoddam preciosum vestimentum de historia Jesse, valoris mille marcarum," and Waltham's executors a vestment worth £40 and 500 marks in money; *C.R.* 262, m. 13d.

[2] *E.A.* 403/10, m. 35, shows this took place on Nov. 10, 1396, and incidentally gives us the date of Waltham's burial in the previous year.

[3] *C. Pap. Reg. Pet.* i. 456.

[4] *C.C.R., 1377–81*, p. 417. There has been unnecessary speculation why he was not summoned, like his father, to the "house of lords": but the modern doctrine of hereditary baronies was not established in the fourteenth century, though Richard II.'s reign saw some of its beginnings. And Richard Stafford was only a banneret!

[5] Stafford was both elected by the chapter of Exeter and nominated by papal provision. He was consecrated on June 20, 1395. He apparently paid

and such continuity of office that he went, in 1396, from the privy seal to the chancery and remained there till the king's deposition. Though a defender of all his master's acts, he later proved as zealous for Henry IV. as for Richard II. He is a type of the high-born ecclesiastic who, with almost a baronial position in his own right, was content to serve the crown without much regard for the direction in which the royal will led him. Yet he was a competent bishop, and was almost the second founder of Stapeldon's foundation at Oxford, which from his time gradually came to be called Exeter College.

Other ministerial changes in 1390 included the appointment of a new chamberlain. Peter Courtenay, though the appellants' nominee in 1388, had always pleased the king and was therefore suffered to remain in office after May 1389. However, in the parliament of January 1390, Huntingdon was appointed king's chamberlain and Sir Thomas Percy, brother of the earl of Northumberland, sub-chamberlain.[1] Huntingdon's position was soon strengthened by his nomination by patent as chief chamberlain of England for life.[2] He remained in this office for the rest of Richard's reign, and when, in 1393, Thomas Percy was transferred to another office, William Scrope acted as under chamberlain until the king's deposition.[3] This transference was necessitated by the death of the faithful steward, Sir John Devereux, on February 23, 1393. Percy, like Huntingdon, remained in office as long as the king. Thus the two great lay posts in the household were settled for the rest of the reign. Two other changes of 1390 may be mentioned for the sake of completeness, though they had no political significance. On July 26 of that

---

to the "camera apostolica," "as is wont," and the cardinals, 2500 gold florins for his promotion; *C. Pap. Reg. Let.* iv. 292. According to his itinerary in Hingeston Randolph's edition of his *Register*, p. 476, Stafford never visited his diocese during the reign of Richard II.

[1] There is no record on the roll of parliament, but the statement of Monk West. p. 222, may be accepted, especially as we find Huntingdon acting as chamberlain on Feb. 22; *C.P.R., 1388–92*, p. 194. On Feb. 25 he attested as chamberlain the charter issued in parliament, which made Edward of York earl of Rutland; *Rot. Parl.* iii. 264; see below, p. 464. The parliament lasted from Jan. 17 to Mar. 2, 1390. Both Huntingdon and Percy received robes and fees before Easter; *E.A.* 402/5, m. 32d.

[2] *C.P.R., 1388–92*, p. 252.

[3] Monk of Evesham, p. 125. The changes were effected in the Winchester parliament of January 1393.

year William Pakington, keeper of the wardrobe since 1377, died. His successor was found in the veteran John Carp, who had spent many years in wardrobe service. More significant was the change in the keepership of the great wardrobe, when Alan Stokes was succeeded, in November 1390, by Richard Clifford, still a thoroughgoing partisan of the king.

A far more important change in 1390 was the nomination in parliament of John of Gaunt as duke of Guienne for life. Already John had received by charter, issued on the petition of parliament, the continuance for his heirs of the liberties hitherto granted to him personally.[1] These were now supplemented by the act which transferred to him the government of the king's lands in Aquitaine, with the obligation to defray the cost of their administration.[2] Thus the chief author of the truce with France received his reward. Whatever his earlier faults may have been, John of Gaunt had at last a real claim to be considered a peacemaker. When he had done his truce-making work in France, he stayed constantly in England for nearly five years. His new duchy, languishing in his absence, showed its distaste for its loss of direct subjection to the crown by throwing obstacles in the way of John's subordinates. Another new appointment in the parliament of 1390 was the elevation by charter of Edward of York, the eldest son of duke Edmund, to the earldom of Rutland.[3] With all the changes and promotions of the last two years the spirit of compromise was still in the ascendant. On the whole, the apparent disappearance of the old hostilities is remarkable, and both the king and his old enemies may well share the credit of it.

The ministerial changes were of less importance because neither king, magnates nor commons were disposed to give too much initiative to the great officers of state. Richard loved to magnify his prerogative, and laid stress on his right to choose his

[1] *C.Ch.R.* iv. 318. Hardy, *Charters of the Duchy of Lancaster*, pp. 65-70, dated Feb. 16, 13 R. II. (1390).

[2] The act of appointment can be read in *Rot. Parl.* iii. 263, *Lords' Reports*, v. 87-89, and *Foedera*, vii. 659-663, which append some related documents. Though called a charter in the parliament roll, it was not enrolled in the Charter Roll but on the Gascon Roll, 13 R. II. No. 101/6, "made in full parliament with the assent of all the estates of parliament." It is not a charter in form, as was the earlier grant of the Lancastrian privileges to John's heirs, or the creation of the earldom of Rutland. It was addressed to John himself, has no witnesses and was given "sub magni sigilli nostri testimonio."

[3] *Rot. Parl.* iii. 264; *Lords' Reports*, v. 85-86.

advisers, but, having selected them, his indifference to the details of government gave them a fairly free hand, if they did not show too much originality. The king was too idle, and too ill-trained, to shoulder the responsibilities of government. The result was that the practical disposition of affairs was not very different from what it had been during the minority. Each minister looked after his own department, but any coherence in the administration depended upon the action of the council.

We are fortunate in having, for this period, minutes of council meetings which, though scattered and fragmentary, throw on administrative methods a light not hitherto obtainable. There is no reason for believing that the details thus revealed constitute any new departure. The same methods certainly prevailed in the long minority, and very likely under Edward III. also. It is a mistake to assume that our first knowledge of a thing is coincident with its first appearance. The more we study mediaeval history, the more chary we are to hail as a new departure what is in all probability only the first formulation of long tradition. Just as Thomas Arundel's systematisation of chancery procedure was based on existing practice, so the first surviving statement of the procedure and functions of the king's council may be regarded simply as the setting down in writing of the system which had prevailed during the previous generation. It is not, however, without significance that the first extant "ordinance for the government of the king's council" should be dated March 8, 1390, that is to say, immediately after the dissolution of the parliament whose acts completed the new system of government.[1]

By this ordinance the affairs of king and kingdom were to be the first things to be considered as soon as the "great men" and the officers were present. Business was, so far as possible, to be departmentalised. All that touched the common law was to go to the justices of the two benches; what concerned the office of chancellor to the chancery, and financial business to the treasurer to be determined before him in the exchequer. All other matters which required the "special grace and permission

[1] "Lordenance faite sur le gouvernement a tenir par le conseil du roi," printed in Nicolas, *A.P.C.* i. 18a-18b. This should be compared with "Lavis des seignurs touchant le bon gouvernement du roy et de son realme" in *ib.* i. 84-86.

of the king" were to be explained to him, that his opinion and pleasure might be learnt. But the king himself could not do what he liked. "No gift or grant which might tend to reduce the king's resources" was to pass without the advice of the council and the assent of the dukes of Guienne, York and Gloucester, and of the chancellor, or of two of them. The "three dukes" and the chief minister could thus control both council and king, and the need of checking Richard's extravagance gave a pretext for retaining some of the restrictions of the minority, veiled in decorous forms. The king could still grant no ministerial office without first taking the advice of his council and ministers,[1] and no stewards or justices could be appointed for life.[2] While "business of great importance" was to be determined by council and ministers, bills of individuals, involving matters of lesser importance, might be examined and determined by the keeper of the privy seal and other councillors then present. While "bachelors of the council" were to have reasonable wages, "lords of the council" were to be content with "consideration for their labours and expenses."

Orderly procedure was ensured by the injunction that the council was to settle one piece of business before proceeding to another, and regular hours by the provision that the council was to assemble "between eight and nine o'clock at the latest." It was further facilitated by the emergence of a regular council secretariat, and by the energy and business capacity of John Prophet, the first known clerk of the council. Prophet had been since 1386 at least, a king's clerk[3] and was already receiving robes as a clerk of the household in 1389–90.[4] He soon became a clerk of the privy seal, and the ordinance implies that the privy seal was becoming a sort of secondary secretariat responsible for all official secretarial work not requiring the attention of the chancery. It has even been maintained that the privy seal now became the special instrument of the council. We may agree that a large proportion of the acts of council were embodied in privy seal writs, but it is unsafe to go beyond this, as we shall

[1] *A.P.C.* i. 18, 85.

[2] Compare the special condemnation of grants in perpetuity by Wycliff; *De Civili Dominio*, i. § xxxv., vi. ed. Poole.

[3] *C.P.R., 1385–89*, p. 251.

[4] *E.A.* 402/5, m. 32d.

have reason to show in a later chapter.[1] For the moment it is enough to say that the privy seal was no more the instrument of the council than the great seal was the instrument of parliament. Yet just as chancery had long provided the clerical staff to do the secretarial work of parliament, including the keeping of its records, so did the office of the privy seal, in future and perhaps before, send its clerks to act as a secretariat of the council. With a clerk of its own, the council soon began to have records of its own, some of which have luckily been preserved. Historians owe a particular debt of gratitude to John Prophet, whose careful minutes of council meetings for the years 1392 and 1393 give us a consecutive journal. This and some other more partial records of the same type make it possible to envisage clearly the part played by the council in the administrative machine and the nature of its composition and functions.[2]

The council was no longer, perhaps had not been for a good half century, a loosely organised group of persons whom the king chose to consult from time to time. It had become not only a consultative, but an administrative body, although its decisions could only become operative when embodied in writs issued by one of the two recognised secretarial departments, the chancery and the privy seal. The increasing differentiation of the various departments of the state was giving to the council more definite position. In fact, it was becoming something like an embryonic cabinet, concerned with much the same sort of things as those with which the governing council of the Tudors dealt. At the same time, it shed some of its multifarious functions. For instance, much judicial business, which in earlier times would have been dealt with in council, now went to chancery and the office of the privy seal. The jurisdiction of the chancellor was

[1] See later, vol. v. ch. xvi.

[2] This record of "acta consilii" has been printed by Prof. Baldwin in his *King's Council*, pp. 488-504. This scholar first disinterred this important record from *Council and Privy Seal Records*, file 3. Only less important is the account of the council at Eltham on July 22, 1395, printed in *ib.* pp. 504-505, of which Froissart gives a version based on the report of Sir Richard Stury, who was "of the king's plus étroit et spécial conseil," but unmindful of his oath of secrecy, *Chroniques* xiii. 207, 223-235, ed. Buchon. These reports supplement and explain the scattered notices, printed over ninety years ago by Sir H. Nicolas, largely for our period, from *MS. Cotton, Cleopatra F.* iii., etc. On all points connected with the council, Prof. Baldwin's book is now a clear and indispensable guide. He fully vindicates Nicolas' contention that Prophet was clerk of the council.

clearly separated from the jurisdiction of the council, and, as the chancery became a law court and a "court of equity," so the office of the privy seal showed a tendency to develop a judicial department which, in due course, grew into the "court of requests," dealing with suits of small importance or touching persons of limited means. At the same time the admiralty, under the control of Huntingdon, became a sort of law court too, administering an international code of its own in whose formulation the civilians had still more to say than in the judicial activities of chancery and privy seal.[1] The council was also now easily distinguishable from parliament, which had become so powerful and important that men forgot the days when parliament was but a large and more representative form of the council, summoned to advise the king on matters of high importance.

Yet the unity of the king's service was more strongly marked than ever. In stressing the increasing departmental activities of the council, we must not blind ourselves to the fact that the council, becoming in some ways the real source of executive activity, remained the body which, by the generality of its appeal and the width of its range, kept together the various branches of the state. It was due to the council that the eight years succeeding Richard II.'s assumption of regal authority were years of internal and external peace and of political and economic prosperity. Richard certainly played his part in freeing the land from the troubles of the minority, but he was too idle and spasmodic to occupy himself overmuch with administrative routine. He had still to be watched lest his tendency to extravagance and personal action, on some courtier's initiative, imperilled the course of the ship of state.

In substance the land was ruled by the same machinery as during the minority, but the machine had been stripped of its worst elements, and ran more smoothly than before. The appellants still had their say in affairs of state; the barons were

[1] See for the beginning of admiralty jurisdiction, R. G. Marsden's *Select Pleas in the Court of Admiralty*, i. Introduction (Selden Soc.). The jurisdiction of the admiral's court was defined by two statutes of the reign, 13 R. II. c. 5, and 15 R. II. c. 3. The first two admiralty pleas recorded are of Huntingdon's period of office; *ib.* pp. 1-26. In the former the court was held at Lostwithiel, though the admiral's headquarters were at the Wool Quay in the city of London. See below, iv. 45.

not unnecessarily slighted or offended; the king was persuaded that he could do what he liked; and the hardworking and inconspicuous officials carried things through with little friction and with general approval, in spite of the desire shared by king, council and parliament, to circumscribe independent ministerial action. The last word, however, was usually with the council, which may therefore be regarded as the actual ruler of England.

The council went so far as to venture to withstand the king to his face, as for example on October 15, 1389, when Richard, irritated at the council's support of the chancellor's opposition to his undue generosity to Nottingham, withdrew with angry countenance to his manor of Kennington, exclaiming, "To your peril be it, if any evil arise from this."[1] Next day, the councillors resolved at a private meeting to adhere to their opposition, but they sought out the king at Kennington with a view to exploring avenues towards a settlement of the difference. Ultimately, they agreed on a compromise which gave Richard more than the council had intended to concede.[2] The remarkable feature is that the council should have been willing to make any concession at all, especially as the councillors interested were the chief ministers, four king's knights and only two earls.[3] In the same way, when, in 1393, the king sent a signet letter to Northampton, urging the election of a certain person as mayor, it was overruled by a writ of the great seal, which informed the men of Northampton that the king, by the advice of his council, regarded his nominee as incompetent for office, and bade them choose whom they would for their mayor, notwithstanding any previous command from the king.[4] Truly it was the "constitutional period of the reign" when the council could resist the king so effectively. Perhaps even more remarkable was the councillors' insistence on their responsibility to parliament. They deprecated

[1] The whole debate in *A.P.C.* i. 12b-12d is instructive.

[2] *E.A.* 402/5 m.2 shows that the "hospicium regis" was at these dates at Eltham. But these rolls give clear evidence that the king might often be in one place while the "hospicium" was at another. There is no need, then, to doubt the accuracy of the narrative in the text.

[3] The councillors present were Wykeham, the chancellor, Gilbert, the treasurer, Devereux, the steward, and Stafford, keeper of the privy seal. The only other bishop was Skirlaw of Durham, an old curialist, and the only earls, Salisbury and Northumberland. The king's knights were William Neville, Lewis Clifford, Nicholas Sharnsfield and Edward Dallingridge.

[4] *C.C.R., 1392–96,* p. 167.

expenditure, lest parliament should accuse them of adding to the burdens of the realm.[1]

The councils of this period might be described as of two different types but for the fact that the one type shaded into the other in such a way that it is hard to draw the line between them. A body which sat several times a week, occasionally prolonging its meeting from an early hour until well into the afternoon, could not command the constant presence of magnates who were seldom at court and largely absorbed in their own affairs. The workaday council was, therefore, quite a small body, often consisting of no more than five or six persons, sometimes of only the three great officers of state, and at the most mustering but ten or a dozen members. The chancellor, the treasurer and the keeper of the privy seal, were the permanent nucleus. Less regular attendants were the steward and the sub-chamberlain, because their obligation of residence in the household involved getting permission to leave a body, seldom in Westminster, for a body generally meeting there. From time to time, and perhaps for special reasons, "the justices and sergeants of the king," or "all the justices," were present, and often a bishop or an earl appeared. But after the three chief officers, the next regular attendants were the "king's knights," those "bachelors" whose presence was secured not only by their duties in the household, but by the substantial salaries and the occasional "regards" or gratuities paid to counsellors.[2] The king did not, as a rule, attend. If he did and the council had to discuss a problem at length, he sometimes sent them away to deliberate without him.

There was, however, a second type of council to which the term great council was often applied. Its numbers ranged from over a dozen to something between twenty and thirty, the largest attendance recorded of the period 1392–93 being twenty-nine. There are three ways in which the larger councils were distinguished from the ordinary councils, namely, by the presence of the king, the number of magnates in attendance, and the importance of the business transacted. The assumption of

[1] *A.P.C.* i. 12c. "Et hoc erat eorum motiva ut in primo parliamento non possit eis imputari quod gratis et voluntarie onerabant regem et regnum suum in majori summa pecunie quam foret necessarium et honestum."

[2] For instance, *C.P.R., 1391–96*, p. 37, grant of wine to the king's knights, Edward Dallingridge and Richard Stury, "for their good service in continually attending the king's council in London." This was on Feb. 18, 1392.

power by the king in 1389 made no difference, for grants continued to be made, "with the assent of the great council." [1]

We are fortunate in being able to illustrate the operations of both types of council for the first half of the year 1392. Both the official record of the clerk of the council, and the Westminster chronicle, give detailed and entirely consistent accounts of meetings of a "great council," held between February 12 and 15 of that year. The chronicler makes the council's proceedings hinge upon an attempt of Richard to restore Alexander Neville and Robert Vere. This met with so violent a resistance from the lords and bishops that the king capitulated, and allowed their sentence of perpetual banishment to remain in force. In return the magnates expressed their gratitude by swearing to stand by the king against all his enemies, and to concede to him full power to rule his realm. The official report of John Prophet, clerk of the council, exactly confirms these statements, except that it passes over in discreet silence the rash experiment of the king to get behind the acts of the Merciless Parliament, though it records the king's declaration that it was not his intention to restore any person parliament had condemned. From it we learn also that such pressing problems as the staple and the truce with France were considered by this assembly, which never exceeded twenty-nine persons, among whom were the ordinary ministers and king's knights, the king's uncles, and leading bishops, earls and barons.[2] At its conclusion, a small council accepted and amended the ordinances of the great council.

[1] *C.P.R., 1388–92*, p. 80, which enumerates, as assenting, the archbishop of Canterbury, the duke of York, the chancellor, the treasurer, another bishop, three earls, the steward and chamberlain, "and others of the great council." This was on July 10, 1389.

[2] See for this council Monk West., pp. 264-265, who describes the meetings of Feb. 12 and 15, and compare him with "acta consilii" in Baldwin, pp. 492-497. On Feb. 12 there were present the king and twenty-five councillors, including the archbishops of York and Dublin, the dukes of Guienne (as Lancaster was now commonly called) and York, four bishops, six earls, and four lords. The ministers and the king's knights were thus in a minority. On Feb. 13 there were twelve, nine of whom were only knights, but they settled much important business. On Feb. 14 the king and fourteen councillors, on Feb. 15 and 16 twenty were present, magnates always preponderating over officials and knights. Then followed a series of smaller councils, at one of which, on Feb. 21, in the presence of only a few officials, three bishops and two knights "fuerent les articles touchantes les ordenances faitz par le roy et soun grand conseil accordez et amendez"; *ib.* p. 497. This is the only use in Prophet's journal of the term "great council," and I feel sure that the body referred to is that

There was no parliament in 1392, but there were numerous "great councils" to make up for it, although none were recorded between February 16 and May 14, when Prophet's journal breaks off, only to begin anew on December 11. The reason for this is that the council followed the king away from London and that Prophet, perhaps by reason of his duties as a clerk of the privy seal, could not attend its meetings outside the capital.[1] Richard was now leading an unusually wandering life, and a quarrel with the Londoners soon took him away from the south. But in the early summer he held two more noteworthy great councils, of which the chronicles afford full knowledge. The first was at Stamford on May 25, where the king held what was officially called *magnum consilium nostrum*,[2] and what a chronicler described as "a council as great as a parliament." The knights from every shire presented such a splendid array, that the duke of Gelderland declared them the noblest commons he had ever seen, and capable of subduing the world, if rightly ruled.[3] Then

---

which sat between June 12 and 16, and that the agreement to stand by the king was among the business there agreed upon. Prof. Baldwin's suggestion that the reference is to *A.P.C.* i. 84-86, cannot be substantiated. The combination of the proceedings of these "great" and "ordinary" councils in the same official record proves Mr. Baldwin's broad contention as to the unity of the council, whatever name it received and whatever persons were summoned to it. It seems likely that the selected magnates were summoned to the "afforced" meetings by writs of privy seal. The "clerk's journal" may, therefore, well illustrate the conjectures raised earlier, iv. 336-338, n. 5, as to the relations of great and ordinary councils. Very noteworthy is the emphasis laid on the "asseurance" of Feb. 15, in the presence of Stafford, keeper of the privy seal, Mr. Richard Ronhale, doctor of laws, "et moy, I. Prophete" (Baldwin, p. 495). It is worth noting that the commission of 1386 is called the "grand conseil" by the Lords Appellant in the Merciless Parliament; *Rot. Parl.* iii. 235.

[1] It is significant that on Dec. 11, when the minutes resumed, there is a marginal note "Le counseil retournez." This, I feel sure, means that the council returned to Westminster, as a result of the king again coming back to the neighbourhood of London. On Dec. 11 he was at Windsor and thence went to Sheen and Eltham. Early in September, Richard held a council at Canterbury. After Oct. 1 he was never further from Westminster than Woodstock, and on Oct. 9 to 10 he was as near as Windsor and Sheen. Also from Nov. 5 to Dec. 9, Richard was at King's Langley, so that it is curious that it was not until Dec. 11 that the council resumed its sessions at Westminster; *E.A.* 402/10, mm. 6 and 6d supply these dates. See later, iv. 221-222.

[2] *Foedera*, vii. 736.

[3] Monk West. pp. 265-266. Compare Walsingham, ii. 206, "Idcirco Stanfordiam accessere vocati, non solum regni domini sed et de qualibet civitate quidam, prout ad parliamenta solent accedere." I find no record evidence of the Westminster monk's "milites de omnibus comitatibus Angliae," or of the St. Albans writer's "citizens."

came the council of Nottingham of June 25, where the king sat on his throne in the castle hall, surrounded by his council and the lords spiritual and temporal, while the chancellor explained, as to parliament, the king's reasons for his quarrel with the Londoners, whose mayor and aldermen were condemned and deprived.[1] There was a third council at Windsor on July 22, when the Londoners incurred a second condemnation.[2] In September another council, which was held at Canterbury, may perhaps come into the same category.[3]

The great councils were the exception; the ordinary council, with its handful of ministers and knights and an occasional magnate or bishop, was the rule. When Prophet's diary began again, on the resumption of the sessions of the council at Westminster in December 1392, it recorded the deliberations of councils of the latter sort, until it ended in February 1393. We have less information for the succeeding years, but we have only to turn over the pages of the relevant calendars of chancery rolls to realise how large a proportion both of solemn conclusions, like the truce with France, and of the most ordinary acts of routine, were warranted by "king and council," or were issued "with the assent of the council." Prophet's journal shows us that these phrases implied, in many cases, a definite resolution of council approving of the act in question.[4] The large proportion of writs of great seal, thus based on conciliar authority, demonstrates the reality of "government by council" in the early nineties.

In such circumstances parliaments were rarely needed. Accordingly they met comparatively seldom, and their sessions, when they did meet, were shorter than had recently been usual. The nine years between 1380 and 1388 witnessed thirteen parliaments, whose duration varied from sixteen to ninety-nine days, giving an average of forty-one days. In the nine years between 1388 and 1397 there were only seven parliaments whose average duration was only twenty-one days, the longest in 1390, lasting

[1] Monk West. p. 272.

[2] *Foedera*, vii. 731-732. The king, the chancellor, five bishops, three dukes, two earls and "others of the council" attended this "magnum consilium."

[3] Monk West. p. 260.

[4] See for this Prof. Baldwin's notes on Prophet's journal, and the Calendars of Patent and Close Rolls. For other illustrations see *Foedera*, vii. 713-731.

forty-four days, and the two shortest, twenty days each. From the scanty notices of the chroniclers it is obvious that parliaments no longer excited public attention in the way that they had from the time between the Good Parliament and the Merciless Parliament. We may venture, therefore, to treat with less particularity the parliaments of 1388–95.

No parliament was summoned between the Cambridge parliament of 1388 and the first parliament of the king's majority in January 1390. We have already seen something of the proceedings of the latter assembly, and have noted how cunningly the emphasis on the absolute authority of the reigning king was combined with a not altogether perfunctory recognition of the right of parliament to control the ministry. This was the longest and most important parliament which had met for several years. But the new system was not yet so fully established that the king could venture to dispense with a second parliament in the autumn. This met on November 12, 1390, and lasted until December 3, expenses being allowed for twenty-two days to those members living nearest Westminster.[1] The opening speech of chancellor Wykeham dealt mainly with the negotiations in progress with the French and Scots, and the need of financial help in the event of a breakdown. A chronicler tells us that in this parliament many things were proposed but little was carried through.[2]

Much the same might be said of the next parliament, which sat from November 3 to December 2, 1391.[3] Again there were three reasons for the summons, the maintenance of internal peace, the need of raising the price of wool, and the determination of lawful limits to the rights of both pope and king. The most significant act was the declaration in full parliament, at the petition of the commons, that "our lord the king should be as free in his royal dignity as any of his predecessors, despite any statute to the contrary, notably those in the days of Edward II., and that if any such statute had that effect under Edward II., it should be annulled." The confidence shown in the king was extended to the "duke of Guienne," who, at the commons' request, was

[1] *Rot. Parl.* iii. 277-283; *C.C.R., 1389–92*, pp. 305-307.

[2] Monk West. p. 242: "In quo multa erant proposita sed pauca ad effectum deducta." He gives, however, a reasonable list of enactments for so short a session; *ib.* pp. 242-245.

[3] *Rot. Parl.* iii. 284-299.

added to the negotiators of the truce, "because he is the most sufficient person of the realm."

Two years elapsed before another parliament assembled, for the parliament summoned to meet at York in the autumn of 1392 was first postponed and then abandoned.[1] Under these conditions great councils, like those of May and June 1392,[2] discharged a useful function. The parliament which met on January 20, 1393, at Winchester, was suffered to sit for only twenty days.[3] Archbishop Arundel declared two "principal causes," one being that, whether the land had war, truce or peace, the king must still have money, and the second, the need of avoiding trouble between England and the papacy with regard to provisors. Apart from the usual petitions for the repression of the violent acts of servants of the great, there is little sign of hostility between this parliament and the crown. Indication of what was to come may, perhaps, be seen in the pardon of a faithful knight, who had attended Robert Vere up to his death in exile, and the grant, with the assent of parliament, of the favourite's earldom of Oxford to his uncle Sir Aubrey Vere, in consideration of his "good and agreeable service" to Richard II. and to his father. A chronicler dismisses the parliament with the contemptuous remark that no fruit came from it, except a grant for the expenses of the two dukes sent to treat for peace.[4]

A short parliament meeting in January now became usual, for the precedents of 1390 and 1393 were followed in 1394 and in 1395. The parliament of 1394 sat from January 27 to March 6,[5] and that of 1395 from January 27 to February 15.[6] In 1394 the most notable business was a fierce attack by the earl of Arundel on the king and the duke of Lancaster, to which we shall soon have

[1] *C.C.R., 1392–96*, pp. 83-84. On July 23, it was summoned for Oct. 13, but prorogued on Sept. 8 (*ib.* pp. 77-78), and never met.

[2] See above, pp. 472-473.

[3] *Rot. Parl.* iii. 300-308. These dates are confirmed by the wardrobe accounts, which note under Jan 20, "hic incipit parliamentum," and under Feb. 11, "hic finitur parliamentum"; *E.A.* 402/10, mm. 15 and 15d. The king and his household removed to Winchester and remained there for the whole of the parliament, arriving the day before and leaving the day after.

[4] *Ann. Ric.*, p. 155: "ex quo nullus omnino fructus evenit, praeterquam quod exegit dimidiam decimam et mediam quintam decimam ad expensas ducum Lancastriae et Gloucestriae pro tractando de pace profecturorum."

[5] *Rot. Parl.* iii. 309-328; *C.C.R., 1392–96*, pp. 277-279.

[6] *Rot. Parl.* iii. 329-336; *C.C.R., 1392–96*, pp. 417-419.

occasion to revert. In 1395, parliament met during the king's absence in Ireland and his place was taken by the duke of York. After that, there was a further period of two years without a parliament, and when the estates met again, another revolution was at hand.

It is in their legislation that the parliaments between 1390 and 1395 showed most efficiency. Thus the Winchester parliament of 1393 enacted the statute, already foreshadowed at Cambridge, that no person of lower estate than an esquire should wear the livery, called livery of company, of any lord, unless he were that lord's menial and familiar, continually dwelling within his household.[1] The more important laws were concerned with the church and with economic policy. The popes of the schism were as bitterly hostile as their predecessors to the anti-papal legislation regarding provisors and *praemunire*, and were not conciliated by the circumstance that, in practice, papal appointments and papal appeals went on much the same as ever. A special mission from the curia followed upon a stiffening up of the acts in 1390, but all that parliament would allow to meet papal fears was a formal permission to the king to dispense with the acts at his discretion, a power which both he and his grandfather had never hesitated to use. The interest of these discussions lies in the dexterity with which champions of high ecclesiastical pretensions, like archbishop Arundel, delicately balanced their obligations as ministers of Caesar against ostentatious declaration of their duties to holy Church and its head.[2]

Of economic legislation, the most interesting, though the least effective, was that which resulted from a vacillating staple policy. Ever since Richard's accession, the problem of the staple had attracted much attention. From 1377 to 1383 there was almost constant nominal war with France, complicated, about 1380, by the revival of the Flemish alliance. The staple at Calais, threatened by the exemption which the merchants of the court had obtained, might have been expected to regain prosperity after the clearance effected by the Good Parliament. But war was always perilous for the Calais staple, and it had been agreed

[1] *Statutes of the Realm*, ii. 84, 16 R. II. § 4: "nulle yoman ne nulle autre de meindre estat qe esquier desore en avant ne use ne porte nulle livere appelle livere de compaignie dascun seignur deinz le roialme, sil ne soit meignal et familier, continuelement demurant en lostell de son dit seignur."

[2] See also above, pp. 433, 441.

in Richard's parliament of 1377, that in event of hostilities making Calais unsafe, the staple should be held in England "as it used to be."[1] In 1378 the Gloucester parliament allowed "merchants of the west" to repair to Southampton and other English ports.[2] Little more happened until the parliament of 1382, when power was taken for the staple to be removed from Calais to any suitable town.[3] From this resulted the establishment of a staple at Middelburg in Zealand on the initiative of the merchants themselves.[4] Yet the staple at Calais seems to have dragged on, though the bulk of business now went to Middelburg. The situation was so unsatisfactory that in 1383 parliament petitioned for new staple regulations,[5] and was promised that, if peace or truce with France should be made, the staple should be fixed at Calais, but if not, that it should only be held in England at places to be determined by king and council.

Little more was done, for in 1385 parliament reiterated the injunction that the staple should be held in England, but, as before, was content to leave the working out of the details to the king's council.[6] This second provision was as ineffective as its predecessor, and in 1388 the Merciless Parliament[7] again clamoured for the removal of the staple from Middelburg to Calais before the following Michaelmas, and for the bullion to be at Calais as formerly. The royal answer was that the council should have power to remove the staple either to Calais, or to England, if that seemed wiser, between that and the following parliament.[8] Again no steps were taken to make the recommendation effective. Later in the same year, the Cambridge parliament definitely ordered that the staple should be removed from Middelburg to Calais by December 1, 1388.[9] This time some attempt was made to carry out the law. Merchants were forbidden to take their goods elsewhere than to Calais, and on October 24, 1388, the governor of the Middelburg staple was ordered to present himself at Calais on December 1, 1388, with

[1] *Rot. Parl.* iii. 23-24. [2] *Statutes*, ii. 8. [3] *Rot. Parl.* iii. 136.

[4] For the Middelburg staple, 1383–88, see F. Miller in the *Cambridge Historical Journal*, ii. 63-65. It clearly did most of the staple business for these years, though in 1386-87 Calais had considerable dealings in wool.

[5] *Rot. Parl.* iii. 159; cf. *C.C.R., 1381–85*, pp. 265, 270, 330, 364.

[6] *Rot. Parl.* iii. 204, 214; cf. *C.C.R., 1381–85*, p. 397.

[7] *Rot. Parl.* iii. 250. [8] *Ib.* p. 250.

[9] *C.C.R., 1385–89*, pp. 537, 618-619; *Statutes*, ii. 60.

everything belonging to his office.[1] This mandate was postponed for a month or two by a subsequent order of November 13, which bade the Middelburg governor stay where he was until February 2, 1389.[2]

In January 1390 the commons petitioned that for the moment the staple should only be at Calais, but, after Michaelmas, at certain towns in England. They were told that the king had decided to keep the staple at Calais until the end of November.[3] The November parliament of that year decreed that the staple should be removed from Calais, by January 1391, to various places in England, there to be held on the lines of the statute of 1353.[4] However, next year, 1391, parliament modified the former order by recommending that the staple should, after June 24, 1392, be transferred to towns and ports nearer the sea, to be selected by the council, with an exchange at Calais, until the next parliament.[5] Though these provisions were made to last only until the next parliament, there was no further legislation on the staple until after Richard's fall, and then only to secure the exclusive right of Calais as the foreign staple.[6] Exactly what obtained in the intervening years is not clear, except that the

[1] *C.C.R., 1385–89*, pp. 537, 618-619.

[2] *Ib.* p. 541; cf. *C.P.R., 1386–89*, p. 520; *C.P.R., 1388–92*, pp. 212, 248, 268, and *C.C.R., 1389–92*, pp. 19, 50, 122, 211, 220, 226.

[3] *Rot. Parl.* iii. 268.

[4] *Ib.* 278, 279, 281; cf. *C.P.R., 1388–92*, p. 355. "Praeterea statutum est in eo pro perpetuo quod stapula lanae staret in Anglia et deinceps nullatenus foret extra"; Monk West. p. 243. Cf. *C.P.R., 1388–92*, p. 355; *Statutes*, ii. 76. Letters patent were issued on Dec. 12, 1390, appointing mayors and constables of the staple for Westminster, Newcastle, York, Norwich, Chichester, Winchester, Lincoln and Bristol: *Patent Rolls* (*Supplementary*), No. 23.

[5] *Rot. Parl.* iii. 285. The details of this order are difficult to explain, but the gist seems to be, "Et qe apres le dit fest de la Nativite de Seint Johan, soit la dite estaple en les portz et villes pluis proscheins a la meer, par l'ordenance de seignurs du conseill, et la repaire des ditz merchantz ovesqe lour leyns et la dite bullion soient a Caleys tanq'al proschein parlement." How the council acted on these instructions may be seen in Baldwin, p. 494, *acta consilii*. The interpretation put upon them by the Monk of Evesham, p. 123, is that they put an end to the Middelburg staple and restored the foreign staple to Calais. He describes this parliament as that "in quo stapula statuitur apud Calesiam quae antea fuit apud Myddelborough." Writing about the same, the Monk of Westminster, p. 262, says: "quia stapula de lana modicum profuit domino regi isto anno jam transacto, ideo statutum est ut dicta stapula a festo Paschae proximo futuro staret deinceps continue apud Calesiam." It is clear that putting an end to the Middelburg staple was a long business; cf. *C.C.R., 1385–89*, pp. 167, 168, 193; *C.P.R., 1391–96*, pp. 237, 263, 306; *C.P.R., 1396–99*, pp. 83, 165.

[6] *Rot. Parl.* iii. 429.

export of staple goods to Calais was enforced and that in 1397 licences of exemption were stringently restricted.[1]

A new complication arose in 1392 from a fierce quarrel between Richard and the Londoners. For several years there had been comparative peace in the city. The restoration of John Northampton, at the request of the duke of Lancaster, had doubtless helped to appease the earlier feuds. Now the antagonism flared up again. Chroniclers and poets give lively accounts of what took place,[2] but the records are less explicit, so that it is not easy to distinguish the real reason for the king's displeasure, nor to disentangle the course of events. What seems to have happened was that, being as usual hard pressed for ready money,[3] Richard tried to get it out of the Londoners, and failed. In February 1392 he resolved to enforce in the city the law compelling those attaining the pecuniary qualification to take up knighthood, and sent a preliminary writ to that effect to the sheriffs. In reply, they pointed out that it was impossible to make the required return to the writ because the value of property fluctuated continually.[4] According to the chronicles, an attempt to induce the city to make Richard a loan on substantial security failed, although shortly after, the king found out that the city was willing to advance to a Lombard the money it had refused to him. This story is perhaps mere chroniclers' gossip. Yet there is no doubt that relations between the king and his capital became extremely strained, and south-country chroniclers believed that two north-country ministers, the chancellor and the treasurer, had prejudiced their master against the southern city.[5]

Whatever the cause, Richard lost both his temper and his sense of proportion. After consultation with his council, which had left London about the middle of May [6] and was now, a fort-

[1] *C.C.R., 1392–96*, pp. 19-20, 158, 169-170, 199, 246; *Statutes*, ii. 108, makes this clear up to 1397.

[2] Walsingham, ii. 207-211, 213; Monk West. pp. 267-270, 272-278; Monk of Evesham, p. 124; *Cont. Knighton*, ii. 319-321. See also Richard Maidstone's poem in Wright, *Political Songs*, i. 282-300.

[3] Monk West. p. 270: "Notum est regem quandoque pecuniis indigere."

[4] Sharpe, *London and the Kingdom*, i. 240; *Cal. Letter Book* H. p. 378.

[5] Monk West. p. 267: "putabant isti officiarii per hoc non modicum damnificare ciuitatem Londoniae." Lancaster and Huntingdon sided with Arundel and Waltham.

[6] See above, p. 472.

night later, assembled at Stamford,[1] he took action. The mayor of London, John Hende, the sheriffs, Henry Vanner and John Shadworth, the aldermen and twenty-four citizens, were commanded to be at Nottingham by June 25, with "full power . . . to answer . . . what shall be laid before them, and to do . . . what shall . . . be ordered." [2] It was probably simply a matter of precaution against riots in the city to hold the investigation away from London, but Richard went further. He not only withdrew himself and his court to the Midlands, but he dispatched the administration to Nottingham and York,[3] largely, no doubt, out of pique, though he could plead in excuse that if a serious crisis developed, it would be convenient to have it near him. On June 25 at Nottingham, the king and his council tried and convicted the Londoners for high-handed treatment of the king's writ and gross mismanagement of the city's affairs. The liberties of the city were suspended, its governance put under a royal *custos*, and the mayor and sheriffs relieved of office and imprisoned until they paid fine and ransom at the king's pleasure.[4]

On the same day, Sir Edward Dallingridge was appointed keeper of London, and Gilbert Mayfield and Thomas Newton its sheriffs. The next day Dallingridge also became escheator of London. He and the new sheriffs were sworn in at the Guildhall on July 1.[5] For some reason not yet clear,[6] there followed another trial of the same persons for the same offence of "notorious defaults in the government of the city of London, which ought to have been corrected by the mayor, sheriffs and

[1] Above, p. 472.

[2] *C.C.R., 1389–92*, p. 466; *Foedera*, vii. 713; *Cal. Letter Book* H. 377-378; Monk West. pp. 268-269, where the writ and the return to it are printed. The city seems to have been left in the care of William Staundon; Sharpe, p. 241, gives this reasonable explanation of Monk West., p. 272.

[3] "Exchequer Migrations to York in the Thirteenth and Fourteenth Centuries," D. M. Broome, in *Essays in Mediaeval History, presented to T. F. Tout* (Manchester, 1925), pp. 292-293; *Cal. Letter Book* H. p. 378. See below, pp. 481-482.

[4] *Cal. Letter Book* H. 379, 383; *C.P.R., 1391–96*, p. 100, removed "for notorious defaults in the government of London"; *Foedera*, vii. 723-724; *C.C.R., 1392–96*, p. 12.

[5] *Cal. Letter Book* H. 379, 383; *C.P.R., 1391–96*, p. 100; *Foedera*, vii. 723-724; *Fine Rolls*, 196/33.

[6] *Cal. Letter Book* H. 379, says that the mayor and sheriffs were removed from office at Nottingham because of defects in the commission under the city seal appointing them to attend the inquiry, as well as for other reasons. This may explain why a second hearing of the case was considered necessary.

aldermen thereof, but have long remained unreformed." This second hearing was held in July at Eton, before the dukes of Gloucester and York, the earl of Huntingdon, the earl marshal, the steward of the household, the two chief justices, two knights of the chamber, and a justice of the common bench.[1] No further imprisonments were imposed, but the former mayor, Vanner, the sheriffs under him and the aldermen were fined £3000. London was ordered to pay a fine of £100,000,[2] and it was decided to change the keeper, sheriffs and aldermen. Later in the day, the court reassembled in Windsor castle, before the king's council, when the chancellor nominated and administered the oath to the new officials.[3] Dallingridge, keeper of London since June, gave way to Sir Baldwin Raddington, controller of the wardrobe and a rigid disciplinarian, but Mayfield and Newton were reappointed sheriffs.[4]

On September 19, 1392, the fine was remitted; the mayor and sheriffs were released; the city liberties were restored and the city fully taken back into favour, all presumably as a result of the queen's intercession, and the welcome given to Richard by London when he passed through in August 1392.[5] The keeper of the city was replaced by a new mayor in October 1392, when William Staundon was elected,[6] and the acting sheriffs, Mayfield and Newton, were re-elected.[7] The grateful city made Richard a gift of £10,000.[8]

While these events were working out, the northern roads were thronged with the staff and baggage of the offices removed from London. On May 30, the day after the mandate issued for the trial of the Londoners, the exchequer of accounts and the exchequer of pleas were ordered to open session at York on

[1] *C.P.R., 1391–96*, p. 116; *Cal. Letter Book* H. 386; *C.C.R., 1392–96*, pp. 87-89.

[2] *C.P.R., 1391–96*, pp. 130, 171, 173; *Cal. Letter Book* H. 381.

[3] *C.C.R., 1392–96*, pp. 88-89; *Foedera*, vii. 730-733; *Rot. Parl.* iii. 324, 400.

[4] *Cal. Letter Book* H. 379, 382-383, 384; *C.P.R., 1391–96*, p. 125; *Foedera*, vii. 730.

[5] Sharpe, i. 243; *Cal. Letter Book* H. 380-381, 383; *C.P.R., 1391–96*, pp. 130, 171, 173; *Foedera*, vii. 736; Richard Maidstone, "De concordia inter regem Ric. II. et civitatem London."; in Wright, *Pol. Poems and Songs*, i. 282-300, R.S.

[6] *Cal. Letter Book* H. 386-387. [7] *Cal. Letter Book* H. 379, 383, 385.

[8] *C.P.R., 1391–96*, p. 226; *Foedera*, vii. 739. This was before the actual restoration of liberty. Payment was made for "obtaining the king's benevolence"; *Cal. Letter Book* H. 381, n. 1; *Rot. Parl.* iii. 324-325.

June 25, and the exchequer of receipt was told to be at Nottingham on the same date.[1] The officials of the common bench and the keeper of the Fleet prison received similar orders to go to York.[2] All the sheriffs were notified of the change,[3] and the sheriff of York was instructed to prepare York castle for the accommodation of the new-comers.[4] The chancery and its records were to follow the exchequer and common bench to York.[5] The rolls of the king's bench were also sent from Westminster, not specifically to York, but to "divers parts of the realm whither the said bench repairs by the king's command."[6] Throughout the summer and autumn of 1392 the administration remained in the north. Once the dispute with London was over, the necessary orders for the return were issued on October 25. The day fixed for the opening of the exchequer session at Westminster was January 14, 1393.[7] The common bench resumed at Westminster on the same date.[8]

During all these years the country was in a disturbed condition. The lead in disorder was taken by the Cheshire men. Besides their normal outrages in neighbouring shires, they profited by the exceptional favour shown to them by their earl-king. Yet they had to pay for their freedom. In 1390 they agreed to contribute 3000 marks for a new charter of confirmation of their liberties, and the first instalment of 1000 marks seems to have been raised easily.[9] However, in 1391 the "good men and

[1] *C.C.R., 1389–92*, pp. 466-467, 565; *Foedera*, vii. 713-714; *Rot. Parl.* iii. 406; *M.R.K.R.* 168, breu. dir. bar. (Trin. t.), com. (rec.) Trin. t., comissiones, etc., Easter t.; *I.R.* No. 538, July 11. Only part of the receipt seems to have been designed for Nottingham; some of its officials went to York.

[2] *C.C.R., 1389–92*, pp. 466-467; *C.P.R., 1391–96*, pp. 63, 65; *I.R.* 541, Nov. 26.

[3] *C.C.R., 1389–92*, pp. 565-566; *Foedera*, vii. 714; *Rot. Parl.* iii. 406; *C.C.R., 1392–96*, p. 55.

[4] *C.P.R., 1391–96*, pp. 69, 189, 191.

[5] *Ib. Cont. Knighton*, ii. 321, fixes the chancery at Nottingham and the king's bench at York. Both statements are wrong; *C.P.R., 1391–96*, p. 65.

[6] *Ib.* p. 65. There was an attack on the cavalcade of the king's bench, instigated by the canons of Welbeck, during its return journey to Nottingham in Nov. 1392; *ib.* p. 218.

[7] *M.R.K.R.* 169, bre. dir. bar. (Mich. t., m. xj); *C.P.R., 1391–96*, pp. 189, 191, 192. The chroniclers agree as to the inconvenience caused by the removal of the king's courts from London, and London definitely felt it to be a misfortune. Compare *Rot. Parl.* iii. 325.

[8] *C.C.R., 1392–96*, p. 21.

[9] *E.A.* 402/5 m. 34, records expenses to a messenger sent "vsque partes Northwallie et Cestrie pro mille marcis de quodam fine pro carta libertatis probis hominibus de comitatu Cestrie per donum regis concessa pro expensis hospicii assignato,"

commons" of Cheshire burst into armed insurrection and prevented the sheriff from collecting the remaining 2000 marks.[1] Every parliament roll in these years is filled with petitions for the protection of the border lands from Cheshire inroads, but no real remedy was secured against them. The anomalous position of Thomas of Gloucester as justice of the appanage of his nephew,[2] complicated the situation, for it was believed that revolts against the justice were not displeasing to the earl in whose name he acted. At last, in 1393, when both Gloucester and Lancaster were abroad, a serious disturbance broke out. Led by a knight, Sir Thomas Talbot, the commons of Cheshire raised a great force, whose mission was to save the king from his two uncles, accused of plotting to surrender his rights to the French crown and to withdraw the franchises of the men of Cheshire.

The rising was the more serious since Arundel was watching developments from his Marcher castle of Holt on the Dee, and was believed to be secretly inspiring the rebels. Moreover, mysterious troubles in duke John's Yorkshire estates came to a head under William Beckwith, an official of the forest of Knaresborough, who made a grievance of his deprivation of office, and elevated brigandage into civil war. So dangerous was the situation that both Lancaster and Gloucester abandoned the negotiations in France and went in person into Yorkshire and Cheshire. They rapidly broke the back of the rebellion, but the whole incident left behind it an atmosphere of suspicion, which led to the revival of feuds that took men's memories back to the stormy days of the later eighties.[3] The chief result was that it

[1] *C.P.R., 1391–96*, pp. 77-78.

[2] Gloucester had been appointed justice of Chester and North Wales during pleasure on June 8, 1388; *C.P.R., 1385–89*, p. 450. Before Nov. 1, 1389, this had been extended to a grant of Chester for life, with compensation to John Holland, who had previously received a similar grant; *ib., 1388–93*, p. 129. Compare p. 394.

[3] The troubles in Cheshire, Lancashire and Yorkshire in 1393 seem never to have been fully investigated, though well worth detailed examination. In the light of the accessible sources they are mysterious, and their causes unsatisfying. For the Cheshire troubles, see *Ann. Ric.*, pp. 159-161; Walsingham, ii. 214; *Rot. Parl.* iii. 316; *C.C.R., 1392–96*, pp. 208, 294, 316, 334-335; *C.P.R., 1391–96*, p. 239. For the Yorkshire trouble, Monk West. pp. 239-240, 265, 281; *Ann. Ric.* pp. 160-161; *C.P.R., 1391–96*, pp. 76, 219, 284-285; Armitage Smith, pp. 351-353; Sir James Ramsay, *Genesis of Lancaster*, ii. 290-292. In the January parliament of 1397 John of Gaunt was still clamouring for justice to be executed against Talbot; *Rot. Parl.* iii. 338. Richard's

threatened the modest measure of mutual forbearance which had given comparative tranquillity since 1389. The full extent of the insurrection is shown by a royal proclamation of May 6, 1393, disclaiming Richard's complicity with any disturbances "to destroy the magnates of the realm."[1] The proclamation was directed to Gloucester as justice of Chester, John of Gaunt as duke of Lancaster, and to the sheriffs of Shropshire, Staffordshire, Derbyshire, Leicestershire and Warwickshire. It was not, apparrently, thought necessary to send it to the sheriff of Yorkshire.

The worst immediate result of the dissensions of 1393 was the revival of the ancient feud between Lancaster and Arundel. In the parliament of January 1394, Arundel, with characteristic violence, attacked Lancaster. The most serious offences he dared impute to the duke were over-familiarity with the king and excessive arrogance towards the lords. Arundel put his case so badly that he obtained little support. Richard hastily took up his uncle's cause, and forced Arundel to withdraw his charges and apologise to the duke in full parliament. But the breach was only patched up for the moment. Perhaps it was because of the strained relations between Lancaster and Arundel that Lancaster was given as colleague in the final commission to negotiate with France, issued in March 1394, the useless Edmund, duke of York, instead of the duke of Gloucester.[2] This, at least, spared Gloucester the humiliation of association with a policy against which he had so long protested.

Gloucester had other reasons for dissatisfaction. In March 1394 he had been replaced as justice of Chester and North Wales by Thomas, earl of Nottingham,[3] who had already been captain of Calais since 1391. So far back as 1391, Gloucester had set out to follow his nephew, Henry of Derby, on his crusade to

answer seems to have been to pardon Talbot for his "felonies, murders, rapes and treasons"; *C.P.R., 1396–99*, p. 109. This was in April, but in Nov. the king retained him for life to stay with him as a king's knight at a salary of 100 marks; *ib.* p. 252. After John's death, Richard made Talbot keeper of part of Bowland forest and other Lancaster estates; *ib.* p. 495. The sometime dependent of the duke remained faithful to Richard, accompanying him, for instance, on his last journey to Ireland; *ib.* pp. 550, 555.

[1] "Ad proceres regni destruendos." The whole writ is instructive. See *Foedera*, vii. 714. The summary in *C.C.R., 1392–96*, p. 140, is not happily phrased.

[2] *Foedera*, vii. 753.

[3] *C.P.R., 1391–96*, pp. 389, 391, 404. The appointments were at first "during pleasure," but in a week were renewed "for life."

Prussia, but was driven back to England by bad weather.[1] In 1392 he had been appointed king's lieutenant in Ireland for fifteen years, only to be superseded before his departure to take over the office.[2] He was still popular with the common folk, and as Richard's activities again began to threaten the balance of forces, the people looked to Gloucester to uphold their interests.[3] But Gloucester could no longer look for the co-operation of his allies of 1388. Lancaster had ceased to work with him, and shewed, henceforth, loyalty to his nephew and zeal for the French alliance. Henry of Derby, who had prudently kept out of the way between 1391 and 1393, by two crusading expeditions to Prussia and a pilgrimage to Jerusalem, proved himself, on his return to England, a complete follower of his father. Nottingham, on whom Richard heaped favour after favour, was entirely drawn into the court policy. A quarrel between Nottingham and Warwick, about Gower,[4] was another element in breaking up the appellant connection. Inevitably Gloucester again drew nearer to Arundel, for in these two alone remained any hope of leadership for the baronial party.

By May 1394 duke John had justified his nephew's support by concluding the much sought for truce with France, to last until Michaelmas 1398.[5] This set both uncle and nephew free from preoccupation with foreign wars. John of Gaunt was at last able to enter into possession of Guienne, which had shown a strong disposition to resist his delegated authority. Richard planned a personal visit to Ireland, hoping to effect that restoration of the English power which Robert Vere had never attempted, and Gloucester had never been allowed to attempt. As a preliminary, all Irishmen living in England were, in June 1394, ordered to go back at once to their own country.[6]

[1] *Foedera*, vii. 705-706; Walsingham, ii. 202.

[2] Gilbert's *Viceroys of Ireland*, pp. 552-557, prints the remarkable conditions of his appointment and his letters of recall.

[3] Walsingham, ii. 202: "siquidem in eo spes et solatium totius patriae reposita videbantur."

[4] This resulted in 1397 in the recovery of Gower from Warwick by Nottingham; *Ann. Ric.* p. 201.

[5] This was concluded at Leulinghen on May 27, and was confirmed by Richard at Eltham on June 5, 1394; *Foedera*, vii. 769-776.

[6] *C.C.R., 1392–96*, p. 295. Later in August, Irishmen in Oxford, Bristol, Hereford and Gloucester, were given an extension of time in which to take their departure; *ib.* p. 390. The first limit set for all was Aug. 15, the second for

Family misfortunes postponed these expeditions for a time. In March, the death of the long suffering Constance of Castile set John of Gaunt free to marry Catherine Swynford, and made him anxious to ingratiate himself with his nephew in order to win recognition for their grown-up children, the Beauforts. On July 1, Henry of Derby's wife, Mary Bohun, died in childbirth, and on Whitsunday, July 7, queen Anne suddenly ended, at Sheen, her gracious and benevolent career.[1] Richard was inconsolable at his wife's death, but its chief effect on politics was his bitter resentment of the rudeness of Arundel, who had neglected the invitation to join in the funeral train from Sheen, and on his appearance in Westminster abbey for the burial, requested permission to withdraw immediately. Richard was so enraged that he snatched a wand from one of the attendants and struck Arundel to the ground. The king was restrained by the bystanders from satisfying his vengeance, but the earl's blood had stained the pavement, and it was not until after nightfall that the formal purification could be carried out by the bishops, and the funeral ceremony concluded. Arundel was sent to the Tower, and only released on August 10, when he appeared at the archbishop's manor of Lambeth, and the king crossed the river to witness his submission.[2] The archbishop, four earls and other magnates went bail for his future conduct under the huge penalty of £40,000.[3]

The same August 10 saw Richard started on his journey to Ireland. A few weeks later John of Gaunt took ship for Gascony. On the withdrawal of the two chief actors from the scene, the interest changes. Richard was away for eight, and John for fifteen months. If the administrative historian has little concern with John's ineffective efforts to establish himself as duke of Aquitaine,[4] he cannot lightly pass over either the arrangements

these cities was Sept. 29. There must have been an enormous number of Irish in England, for more than twelve pages in *C.P.R.* are devoted to permits to remain in England, notwithstanding the new regulation. Many of those excused were clerks; *C.P.R.*, *1391–96*, pp. 451-465, 468, 469, 471, 486.

[1] It is curious that the "hospicium" roll in *E.A.* 402/20, f. 49, which records the large expenditure of £81 : 15 : 9 for the feast of Pentecost, does not mention the death of the queen. The "hospicium" expenses for the day of her funeral were £474 : 11 : 7. [2] *Foedera*, vii. 784, 785. [3] *C.C.R.*, *1392–96*, p. 368.

[4] John left England about Sept. 1394 and returned at the end of 1395 in time to join the king at Langley, where Richard kept his Christmas feast that year. The vague language of the chronicles suggests that the duke arrived at Langley a little after Christmas; Walsingham, ii. 219; *Cont. Knighton*, ii. 322.

necessitated by the king's absence from the realm, or the changes in the balance of forces which were involved both in the preparations for the Irish expedition and in its results. Richard's autocracy began to clothe itself in military garb.

Nearly two months elapsed between the king's departure from Westminster and his arrival in Ireland. During that time Richard continued to rule his realm in person, while he moved westwards by slow stages. It was almost like the peripatetic administration of Angevin days, for the whole household accompanied the king, as well as his chief ministers with their clerks and subordinates. We can form a general idea of his movements from a comparison of the household itinerary with the dating of chancery writs, though the former takes us no further west than Hereford, and neither are necessarily, or normally, the same as the personal itinerary of the king. It is clear, however, that king, court and ministry went westwards by stages, roughly correlated, though not absolutely identical. There were halts of some days on the way, notably at Hereford, and the routes taken were not always the shortest.[1] Haverfordwest was not reached until September 16, and even then there was a fortnight's stay on the bank of Milford Haven, probably occasioned by the delay of the ships, originally summoned to Bristol, in making their way to the new rendezvous, and also by the slowness with which the magnates came up with their retinues. This gave the pious king the opportunity of a pilgrimage to St. David's.

[1] The "hospicium" itinerary, as given in *E.A.* 402/20, was as follows: Aug. 10, Westminster; Aug. 11, Uxbridge; Aug. 12, Thame; Aug. 13, Oxford; Aug. 14-15, Witney; Aug. 17, Cirencester; Aug. 18-19, Gloucester; Aug. 20, Newent; Aug. 21-24, Ross; Aug. 25-29, Hereford. The best day's journey was from Uxbridge to Thame, 30 miles. The lowness of the daily expenses, falling short of £14 at Cirencester, and only £28 at the highest at Witney, suggests economical housekeeping or a small "hospicium". If the ministers and magnates followed the court, they must have been at their own charges, and there was clearly no military force of importance. The chancery datings suggest longer halts and fewer sealings. The only place datings were Aug. 12-17, Witney, and Aug. 18-24, Gloucester, until Hereford was reached, and there writs were dated Aug. 26 to Sept. 4. At Hereford the "hospicium" roll comes to an end: but chancery datings suggest the continuation of the journey. Writs were dated after Hereford as follows: Sept. 6, Newport; Sept. 8, Cardiff; Sept. 10, Coyty Castle; Sept. 11-12, Margam Abbey; Sept. 13-14, Kidwelly; Sept. 14-15, Carmarthen; Sept. 15, Llawhaden; Sept. 16-28, Haverfordwest, but with Sept. 18-19 datings at St. David's; Sept. 29, Milford Haven, from which port the king sailed on Sept. 30. There were no writs "teste rege" after Sept. 29, 1394, and until May 8, 1395, with two eccentric exceptions; *C.P.R., 1391–96*, pp. 581-585.

A great host gradually assembled in Haverfordwest and its neighbourhood. It included most of the ministers and officials, both those appointed to go to Ireland and those to whom the home government was now to be entrusted. A few of the household officers, notably Sir Baldwin Raddington, had already been sent to Ireland to prepare for the king's advent,[1] but the chief officials were still with the king. Among them were the treasurer, the keeper of the privy seal,[2] and the chancellor. Archbishop Arundel had been with the king all through his journey in charge of the seal, and was attended by the chief clerks of the chancery, notably John Scarle, keeper of the rolls, and William Waltham, keeper of the hanaper.[3] Among the secular magnates already with the king was Edmund, duke of York, and gradually the other nobles who were to take part in the expedition joined him. By Michaelmas day all was ready for departure, and the government of England was transferred to duke Edmund as keeper of England.[4] He was to have the help of the majority of the ministers, but the chancellor was to accompany the king to Ireland. Accordingly, on September 30 Richard, already embarked in his ship *La Chambre*, sent the great seal to John Waltham, the treasurer, with instructions to hand it over to the custody of Scarle and William Waltham. Then the royal fleet set sail, and on October 2 landed at Waterford. Some of the magnates and their retinues followed Richard later.

Before dealing with the government of England in Richard's absence, we will consider the king's doings in Ireland. It was inevitable that his journey should be of the nature of a campaign rather than a royal progress, and all the elaborate preparations, which had occupied the summer, had aimed at the provision of an adequate military force, under Richard's personal control and under household direction. This did not prevent, any more than in the French wars, many magnates with their retinues taking the king's pay and submitting themselves to his disposition. Accordingly, since June, measures had been taken to

[1] See later, pp. 489-492.

[2] I infer this from Richard issuing a privy seal writ on his ship "La Chambre" on the eve of starting.

[3] Among other clerks may be mentioned a Simon Gaunstede, clerk of the first form, and James Billingford, clerk of the crown; *C.C.R., 1392–96*, p. 370.

[4] *Foedera*, vii. 789-90.

supplement the household forces by enlisting, all over England, "yeomen and archers of our crown," receiving the king's wages and liable to be called upon to serve him in emergencies. On July 1 writs addressed to every sheriff summoned the reserve household infantry to report themselves by August 3 for service in Ireland.[1] Meanwhile ships were collected from the western ports, and the Cinque Ports were called upon to perform their accustomed service. By July 20 the bishop of Meath, Sir Baldwin Raddington, and Sir John Stanley were sent over to Ireland with a large company of esquires and archers to make preliminary arrangements for the campaign.[2]

The association of the controller of the household with an Irish bishop and a former justice is significant, for it was soon clear that the whole management of the expedition was, like the continental expeditions of Edward III., to be thrown upon the king's wardrobe, and it is lucky that the particulars of John Carp's wardrobe account[3] survive, though sadly mutilated, to give us detailed information of the doings of the king. The nobles and knights appointed for the expedition received "wages of war" for themselves and their retinues, and were so numerous that the king's army, though mainly a swollen household force, received for the campaign wages amounting to the large sum of £28,718 : 15s.[4] The details of the contingents are duly entered in Carp's roll, and a shrewd guess might be made of the gross numbers of the force.[5]

The retinue of the young earl of March was the largest, including two bannerets, eight knights, ninety-nine squires, two hundred horse and four hundred foot archers, in all, over seven hundred men. Next came the duke of Gloucester with his three bannerets, twenty knights, seventy-seven squires, two hundred horse archers and one hundred foot archers. It is significant that, with the exception of Gloucester, nearly all the magnates who took the king's wages were those who, in the subsequent English troubles, were the most strenuous on Richard's side. Such were

[1] *Ib.* vii. 782: "omnes et singuli valetti et sagittarii nostri de corona ad vadia et feoda nostra existentes."

[2] *E.A.* 402/20. [3] *Ib.* 402/20. [4] *Ib.* 403/1.

[5] To some extent we may qualify by this Sir James Ramsay's "Of Richard's force no estimate worth anything is forthcoming"; *Genesis of Lancaster*, ii. 299. Froissart's 30,000 archers and 4,000 men-at-arms is, of course, absurd.

Thomas, earl of Nottingham, whose interests in Ireland were only second to those of the earl of March, and who actively supported Richard in his attacks on the Leinster clans. A contingent of two hundred attended Nottingham. Edward, earl of Rutland, York's eldest son, now fortified with an Irish title,[1] Edward Despenser, banneret, and Thomas Holland, the king's nephew, came with almost the same number of followers. The only bishops, beside the bishop of Meath, whose names are recorded as serving, are the archbishop of Dublin, Robert Waldby, sometime Richard's physician, Tideman of Winchcomb, bishop of Llandaff, a Cistercian monk who had also been the king's physician, and Richard Medford, bishop of Chichester, that sometime royal secretary who had previously excited the hostility of the Merciless Parliament, but was now treasurer of the Irish exchequer.[2] As under Edward III., the clerks of the household each had his little *comitiua* of warriors. Conspicuous among them was Roger Walden, recalled from Calais to be the king's secretary, and serving with his two esquires and four horse archers. John Carp, the treasurer of the wardrobe, had a larger following, and among other clerks who followed Richard, with or without a troop, were John Boor, dean of the king's chapel, Nicholas Slake, an old victim of 1388, John Burghill, the king's Dominican confessor, and Thomas Merke, a monk of Westminster, of whom we shall hear again. The company was swelled by the retainers of the earl of Ormond and other loyal Irish barons.

There were few opportunities of testing the military value of Richard's host. It forced its way through Leinster, and the greatest of the Irish local chieftains, Art MacMurrough, found it prudent to take the king's pay, promise the surrender of his lands, and seek for compensation for them further afield. The clans preferred negotiation and submission to organised resistance, and bundles of notarial instruments, embodying their surrender, were drawn up and transferred to England for safe keeping.[3]

[1] Rutland was already appointed earl of Cork, and is so described in the submissions of the Irish chiefs; Curtis, *Richard II. in Ireland*, p. 27. Mr. Curtis corrects the new *Complete Peerage*, iii. 418, which cannot trace the title earlier than 1396.

[2] *C.P.R., 1391–96*, p. 584.

[3] Some of these instruments, of which the majority were written on paper, were delivered to treasurer Waltham by the king, and still survive in a sadly mutilated condition in the P.R.O. in *Chanc. Misc.* bundle 10, f. 25. Waltham by the king's direction caused them to be enrolled in the memoranda roll of

These surrenders were facilitated by the intelligent appreciation which Richard and his council showed for the grievances of the Irish leaders, and their wish to afford them some recognition of their position. In return the Irish chieftains appeared at Richard's courts and parliaments in Dublin, and three of the greatest received knighthood from him at a court on Lady day, and afterwards described themselves as "the king of England's knights." But the surrenders were purely formal, and were ignored after the king's departure. Moreover, Richard's finances became so low, that in December he was forced to send Gloucester to England to plead before parliament for fresh subsidies.

Richard had with him in Ireland not only an adequate household army but a sufficient household ministry. His household treasurer, Carp, was there for all detailed work; Raddington, the controller, was, as usual, foremost in military preparations; Sir Thomas Percy, brother of Northumberland, was steward and marshal; and Sir William Scrope, son of the veteran ex-chancellor, Richard Scrope, and nephew of the sometime duke of Ireland, was not sub-chamberlain, but chamberlain of Ireland. Roger Walden with his signet controlled the secretariat, and among his assistants was John Lincoln, king's clerk, who soon afterwards became his successor in this newly developed office.[1] These and the magnates who came with their retinues gave Richard an adequate council,[2] whose advice, as reported to the English ministry, seems to have been generally sound. Little is heard of

---

18 Richard II. (*M.R.K.R.* 171) under the heading, "De instrumentis publicis, indenturis et aliis munimentis tangentibus terram de Hibernia ad scaccarium, per Johannen episcopum Sarum., thesaurarium Angliae, liberatis inrotulandis." Prof. E. Curtis, in his *History of Mediaeval Ireland, 1110–1513* (1923), pp. 307-316, is the first writer who has made full use of these interesting documents. In 1927 he published them with translations and an introduction in his *Richard II. in Ireland, 1394–1395, and Submissions of the Irish Chiefs.* They throw new light on Richard's movements and entourage.

[1] This appears from *A.P.C.* i. 55-57, where the famous letter, dated Dublin, Feb. 1, 1395, and instructing the council in England as to the difference between "Irrois savages nos enemis, Irrois rebels et Engleis obeissantz," and expatiating on the grievances of the "Irish rebels" and the means of conciliating them, is signed "Lincolne." As it is given under the signet, Lincoln, whom we know to have gone to Ireland, was clearly already a sort of assistant secretary to Walden. It is not clear whether this Lincoln was identical with the "John Lincoln of Grimsby" driven from court in 1388; see above, pp. 430, 434. On the whole I am inclined to think that he was, but assurance is impossible.

[2] "Nostre counseil estient entour nous"; *A.P.C.* i. 56.

the Irish ministers, except in so far as they also held household appointments. There were one, if not two, Irish parliaments held in Dublin.[1] It was just as much a separate administration, and as much household in its essence, as that of Edward III. in the Netherlands between 1338 and 1340. The only difference was that there was, on this occasion, little friction between the ministry with the king and the ministry at home.

We must now turn to the government of England under the regency of the duke of York. It began at the moment of the king's departure, and the first writ tested by the keeper was issued on October 1 at Haverfordwest, with the object of completing the transhipment of the laggards who had not crossed over with the king. The first important formal act was the transference of the seal, through treasurer Waltham, to the keepers appointed by the king on shipboard. This was done in the chapel of a knight's manor near Haverfordwest. Here the bag containing the seal was opened and writs sealed with it, "and so day after day, successively in divers places on the road to London, and then in the White Hall at Westminster in the place appointed for the chancery in the presence of the clerks of chancery."[2] But the

[1] In a letter to the regent Richard II. says that he has summoned a parliament at Dublin for Dec. 1, 1394; compare *Early Statutes of Ireland*, p. 498. The letter, quoted in notes 2 and 3, says definitely that a parliament was to meet at Dublin on Apr. 19; *A.P.C.* i. 56. It is possible that both parliaments were held, or that the proposed parliament may have been postponed till Easter.

[2] *C.C.R., 1392–96*, pp. 370-371. This important memorandum on the dorse of the close roll of 18 Ric. II. (*C.R.* No. 236, m. 31d), has not, like most similar notices, been printed in *Foedera*, and was unknown to most writers until the relevant close roll calendar was published in 1925. I, therefore, print it here in full: "Memorandum quod, tricesimo die Septembris anno presenti, dominus noster rex, quibusdam certis de causis ipsum mouentibus, volens venerabilem in Christo patrem Thomam, archiepiscopum Eboracensem, cancellarium Anglie, secum in comitiua sua versus terram Hibernie, in quadam naui sua, vocata la Chaumbre, transferre, magnum sigillum ipsius domini regis, in custodia dicti cancellarii adtunc existens, venerabili in Christo Johanni episcopo Sarisberiensi, thesaurario Anglie, tunc in mari extra portum de Milford in quadam balingera existenti, et se versus ipsum regem in alto mari, aura prospera blandiente, semper primum celerius festinanti, destinauit ad sigillum illud Johanni Scarle, custodi rotulorum cancellarie dicti domini regis, et magistro Willelmo Waltham, custodi hanaperii eiusdem cancellarie, liberandum. Ac idem dominus noster rex per breue suum de priuato sigillo, in filaciis dicte cancellarie de hoc anno residens, preceperat eisdem Johanni et Willelmo quod sigillum predictum a prefato thesaurario reciperent et custodirent quousque aliud inde a dicto domino rege habuerint in mandatis, faciendo et exercendo pro tempore absencie prefati cancellarii id quod ad officium cancellarii pertinet. Quod quidem sigillum in quadam baga de corio sub sigillo ipsius cancellarii signata inclusum, dictus

return to Westminster was made with such haste that few writs sealed on the road seem to have survived, and early in October administration and chancery were established in Westminster.[1] From their "appointed place" chancery never moved, except for a brief visit to Yorkshire, until after the king's return.[2]

This change in the place dates probably suggests that Scarle soon surrendered to Arundel the personal control of the seal, and that the archbishop took it and his clerks with him during a brief visit to his diocese. It looks as if Arundel had come back from Ireland at once, probably in one of the ships that had transported the court.[3] We know that he reported to the council before the end of October the news of the king's safe arrival.[4] He also informed the council that the king wished a parliament to be

---

thesaurarius, primo die Octobris anno presenti, infra manerium Johannis Joce, chiualler, iuxta Hauerford in quadam parua capella prefatis Johanni et Willelmo liberauit, qui sigillum illud ad mandatum regium de prefato episcopo receperunt, ac idem Johannes Scarle sigillum predictum ad hospicium suum in Haverford deferri fecit. Et postmodum, eodem primo die Octobris, predicti Johannes et Willelmus in quadam camera infra idem hospicium, astantibus Simone Gaunstede clerico, Jacobo de Billyngford ac aliis quampluribus, tam clericis quam laicis, ibidem presentibus, bagam predictam sigillo eiusdem cancellarii sic signatam aperire et sigillum extrahi et cum eo litteras patentes et breuia sigillari. Et his factis, dictum sigillum in bagam predictam recludi et bagam illam sigillis suis signari fecerunt, et sic successiue de die in diem ea que fuerunt sigillanda in diuersis locis in itinere suo abinde versus London' et ibidem in alba aula apud Westm' in quodam loco pro cancellaria ordinato in presencia clericorum eiusdem cancellarie fecerunt sigillari."

[1] A writ was tested at Gloucester on Oct. 6, and on Oct. 10 the regular Westminster series was renewed. All through the eastward progress a certain number of Westminster writs showed that somehow there was sealing at the usual places; but the exact significance of the dating of writs is an almost insoluble mystery, and, though it is interesting to record such points, it is rash to base too much upon them. Why, for instance, was one "teste custode" issued at Haverfordwest and another on the same day at Westminster? The extreme limits of the "teste custode" writs were Oct. 1, 1394, and May 11, 1395. A writ of Sept. 26 in *Fine Roll*, 198/14, is the one exception I have noticed.

[2] All the places where writs were dated are in the diocese of York, namely York, Dec. 7-8; Beverley, Dec. 10-11; York, Dec. 16; and Scrooby, Dec. 17, 1394-Jan. 6, 1395. Jan. 17, Wansford, marks a stage on the return to Westminster.

[3] Against the view that Arundel went to Ireland may be cited a letter of Richard II., recently published, with other correspondence from *All Souls MS.* No. 182, by Prof. Curtis as "Unpublished Letters from Richard II. in Ireland, 1394-5," in *Proc. Royal Irish Acad.* xxxvii. C. 14 (1927). But I see no evidence for Mr. Curtis' view that his "letter 1," addressed to a bishop, was "almost certainly" written to archbishop Arundel. If it were, the hypothesis of Arundel crossing with the king must be abandoned. The "father in God" addressed may well have been bishop Waltham, the treasurer.

[4] *A.P.C.* i. 50-51.

summoned at Nottingham, doubtless to provide more funds for the Irish campaign. While showing the greatest anxiety to meet the king's wishes, the council respectfully set before him the disadvantages of holding a parliament in so "remote" a place, and urged that it should be allowed to meet at Westminster.[1] Only after the king's consent had been secured for the council's proposal, were the writs issued for Westminster.

This parliament sat between January 27 and February 15, 1395, the regent York presiding as the king's representative. The chancellor gave a rosy account of the king's doings in Ireland.[2] Gloucester, sent over for the purpose, pleaded for a large supply, and the short duration of the session, and the limitation of its business to finance, showed that, even in his absence, Richard still had a real hold over parliament and his ministers. But the Lollards were active, and during the session, had affixed heretical placards to the doors of Westminster abbey and St. Paul's.[3] There were also fears of Scottish inroads and of French invasion. Accordingly, the cry was raised for the king's return, and deferential letters, asking him to come back, were sent to the king, subscribed respectively by the spiritual and temporal lords of parliament, but written apparently on behalf of the estates.[4]

Vigorous efforts were made to induce Richard to return. The chancellor made a second journey to Ireland, taking with him bishop Braybrook of London.[5] Gloucester himself also went back to his nephew, and with him John of Huntingdon, who had

[1] *A.P.C.* i. 52-55. [2] *Rot. Parl.* iii. 329-336. [3] Walsingham, ii. 216-217.

[4] *A.P.C.* i. 57-59. The text with its erasures shows that the letter was drafted as a letter of council, but that it was changed into a letter of the temporal lords of parliament, even the earl of Arundel being among the signatories. Prof. Curtis, in his *Richard II. in Ireland, 1394–95*, pp. 137-140, has printed from *All Souls MS.* No. 182, which also contains a text of the above letter, a similar letter from the "prelatz du parlement," which is definitely dated Feb. 13, 1395, two days before parliament dispersed. It differs only in a few details from the letter printed by Nicolas, though the omission of clauses, struck out in Nicolas' copy, suggests that it represents the form actually sent. Clearly a single letter was drafted, different copies were sent to prelates and secular lords for their signatures, and both were dispatched to the king. Though the All Souls MS. is only a formula book, it reveals a process which is not suggested by the document in Nicolas.

[5] *C.P.R., 1391–96*, p. 587. The bishops were to sail from Holyhead in ships provided at the king's charge. The relevant mandate to the chamberlains of Chester and North Wales was dated Feb. 10. The archbishop's expenses were paid on July 19; *I.R.* 551.

apparently come over for the parliament.[1] But nearly three months were still to elapse before the king could be induced to abandon his cherished enterprise. At last he left Ireland. On May 1, 1395, he was already on shipboard at Waterford, and by the middle of the month was back at Bristol.[2] Thence he made his way to Westminster before May was over. With his return the regency came to an end,[3] and Richard was once more in control. If he had done less than he had hoped in Ireland, he came back intent on pursuing a definite policy. The untrammelled exercise of power had inspired him with an ardent desire to overthrow the compromise of 1389, and to exalt to the full the "regality" which he had long boasted to be inherent in the kingly office.

[1] *C.P.R., 1391–96*, p. 587. Both Gloucester and Huntingdon sailed from Bristol. The mandate for Gloucester's ships was dated Jan. 29, and provided at the king's charges for 220 horses, a number suggesting a prolonged stay. Huntingdon had to pay his own expenses.

[2] The exact movements of the king are not very clear. We know that he had embarked at Waterford on May 1; Curtis, *u.s.* pp. 99-100. But his departure may have been delayed. Usk, p. 9, says: "in fine Maii rex rediit in Angliam Bristollie applicando." The port of arrival may be accepted, but the date is too late. There are few writs "teste custode" after May 10, and there is a writ "teste rege" dated Bristol, May 18. But other writs are dated Salisbury, May 15-18, and Winchester, May 19; *C.P.R., 1391–96*, pp. 567-569, 584. These writs suggest the route of the king's eastward progress: but a "teste rege" writ at Westminster on May 8, as well as the Salisbury datings, earlier than that of the Bristol writ, show how little we can trust chancery datings to reveal royal movements. Yet the dates may well be regarded as suggesting a rapid movement from Bristol to Westminster by way of Salisbury and Winchester.

[3] For his services as keeper Edmund received £400 on July 12, 1395; *I.R.* 551. The chancellor and treasurer had also allowances for their extraordinary expenses during the king's absence, the chancellor getting 1000 marks and the treasurer 800 marks: *ib.* 549, Nov. 24 and Dec. 7.

END OF VOL. III

Printed in Great Britain by R. & R. Clark, Limited, *Edinburgh.*